California Journal

THE MONTHLY REPORT ON STATE GOVERNMENT AND POLITICS

Fall and rise of San Francisco

Who controls the land?

November 1973

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a personal perspective...

The day young Robillard died

Although a dozen years have passed, every detail remains as clear as though the event had happened only yesterday. It was the day before my 30th birthday, and I headed for work with some trepidation because of the prospect of handling the writing end of a lamentable assignment. But when I reached the office, the city editor had a birthday present for me: It was I who was to witness the execution of young man in San Quentin's gas chamber.

* * *

The newspapers had been full of stories about Alexander Robillard IV, who two years previously at the age of 19 had slain policeman Eugene Doran on the San Francisco Peninsula. This was to be no ordinary execution: How often has the ultimate penalty been given to a clean-cut youth from a middle-class Caucasion family?

The drive north along the east side of San Francisco Bay was a nightmare. For days, we had been needling reporter Jerry Belcher about his misfortune in drawing the assignment. And here I was heading for Quentin, while he was sipping coffee back in Oakland. Nor did the arrival at the prison gate ease my anxiety; on hand were members of the American Friends Service Committee, who had conducted an all-night vigil to protest the impending execution.

The mechanics of getting into San Quentin provided a brief respite. After passing through a metal-detection device, I entered a waiting room, signed a register and nervously made small talk with the others who had gathered to serve as official witnesses. There were two categories: Reporters, who, like myself, were present only because they were assigned to be (and tradition has it that assignments are never rejected), and police officers, who had volunteered to watch the execution of a man who killed a fellow officer, for whatever consolation that might offer. (The law-enforcement personnel on hand this day represented small departments, and tiny Emeryville sent the biggest delegation.) After what seemed like hours, prison officials marched us to the small observation room adjacent to the pale green chamber with its pair of empty seats. The policemen quickly moved to occupy the front-row, leaving most of the reporters to peer over their shoulders.

I had expected to see burly guards bring a rebellious Robillard to the enclosure where the cyanide pellets would be dropped, but he offered no resistance as he was strapped into one of the seats in the air-tight chamber. The pellets dropped and, for what seemed like an eternity, the young man gasped. His body writhed within the restraining belts. The front-row witnesses leaned forward intently, while the reporters looked like they could use fortifying drink. It was a relief when the doctor finally declared that society had exacted its penalty and we could leave.

For a moment, the fresh air was invigorating, but too soon I found myself in a stuffy telephone booth spending 10 miserable minutes describing the event to Belcher. He said he would use a lead I suggested for one of the stories, but the editor wouldn't print it: "Alexander Robillard, the kid killer, died like a man."

* * *

Capital punishment is now back on the lawbooks in California. The people spoke last year in amending the state Constitution and the 1973 Legislature finally made the death penalty mandatory for 11 specified crimes. Opponents again must turn to the courts to prevent future Robillards from going to their death in the gas chamber.

Those of us who have witnessed the use of cyanide gas know that it produces neither an instantaneous nor a painless death, whatever the claim. Governor Reagan, upon signing the legislation in September restoring the death penalty, suggested that a more humane method of execution should be found — perhaps a lethal injection of a tranquilizer or some other drug. When a horse must be destroyed, Reagan said, "you call the veterinarian, and the vet gives it a shot and the horse goes to sleep. That's it." Dr. Earl Brian, Reagan's health and welfare secretary, was assigned to investigate alternative methods of execution. Brian, a likely candidate for the Republican nomination for U.S. Senate, made his personal view clear: While executions should not be as cruel as crucifixion, neither should they be so mundane and painless that they escape public notice and thus lose whatever deterrent effect they might have had.

* * *

Capital punishment is not an issue that lends itself to a middle ground. Removing every manifest element of cruelty might well make it easier for some judges, juries and governors to allow the death penalty to be imposed. But isn't Brian's contention the only modern defense of capital punishment — that it prevents others from committing murder for fear of losing their own lives? Attorney General Evelle J. Younger claims the threat of death, not the method, is the deterrent. But how much of an impression would the Robillard execution have made on the reporters, and through them on the public, had the young man simply been given an overdose of sleeping pills? If deterrence is the goal, the more public and more brutal the better. Is there even maximum deterrent effect when a Robillard is gassed to death behind prison walls before a handful of spectators? Doesn't logic demand that the future Robillards be executed in full public view in those sections of our cities with the highest crime rates?

ED SALZMAN

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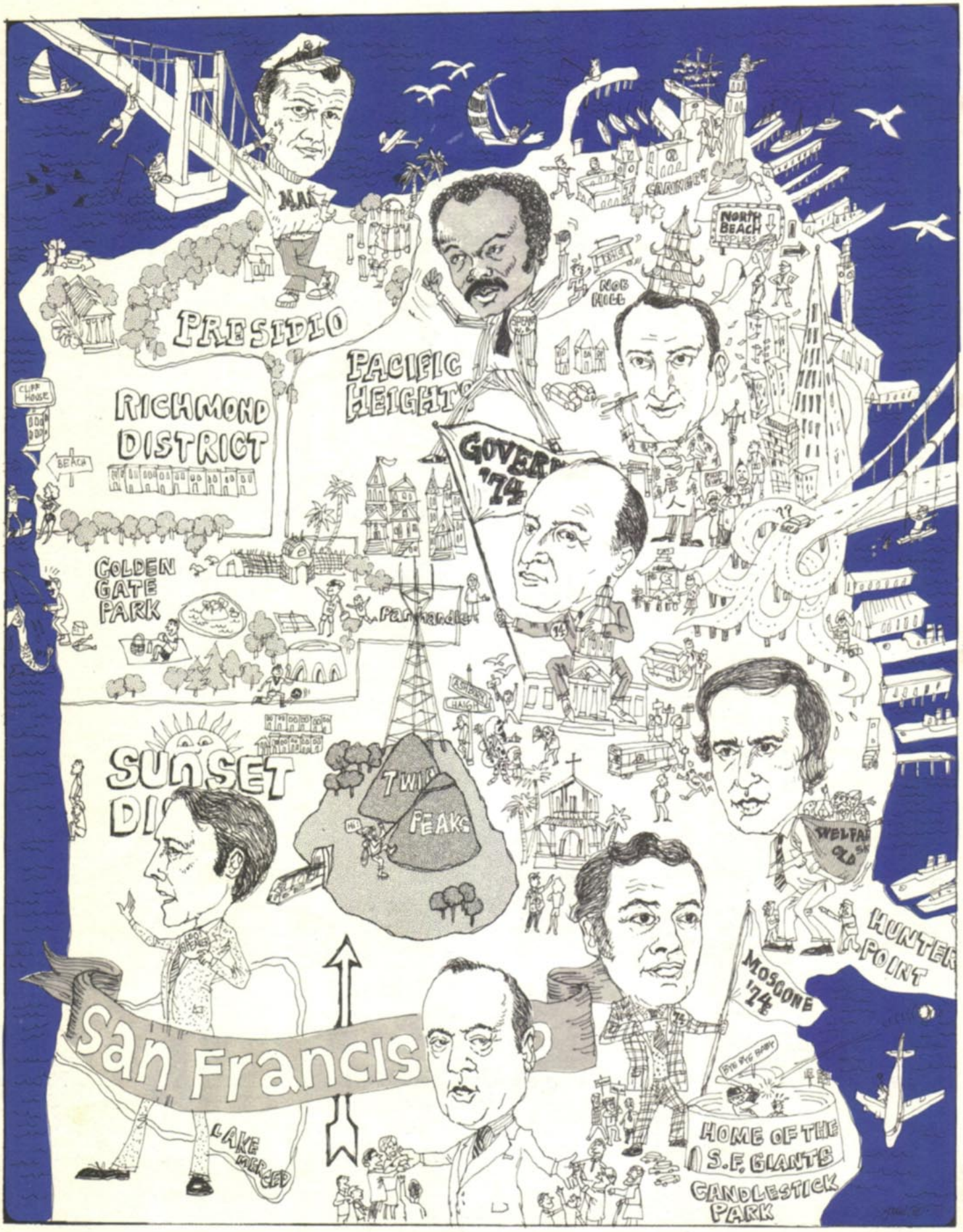

Paul Lee

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The fall and rise of San Francisco

By JERRY BURNS

Assembly Speaker Bob Moretti's decision to give up his San Fernando Valley seat to join the multitudes in the race for Governor pits two Assemblymen from San Francisco, Willie Brown and Leo McCarthy, in a battle to succeed Moretti in what may be the state's second most powerful political job. If so, it will match two young but seasoned politicians with styles and ambitions as different as the constituencies they represent. And it will dramatize the considerable influence San Francisco's legislative delegation has come to hold in Sacramento within the last few years.

Willie Brown

Willie Brown, 39-year-old native of Texas, comes from a district populated by young Volvo liberals into restoring old Victorians, older limousine liberals living in choice bay-view Victorians, much of San Francisco's uncloseted homophile community, and a heavy concentration of blacks. He will be Speaker of the Assembly, he says, because "I'm the best candidate." To him, the Speaker must have the respect of the membership and present "a reasonably good image of a quality legislator statewide." As chairman of the Ways and Means Committee, Brown believes he has won statewide recognition and the respect of his colleagues. Leo McCarthy may be closer to the mainstream of Democrats in the Assembly (and in the state), Brown acknowledges, but he believes that "poitical philosophy has nothing to do with the speakership — it's who can best manage the house."

The 18th District Democrat, who speaks easily and without self-consciousness of himself in the third person, says, "There's no community in the state that doesn't know of Willie Brown. I'm equally at home with the poor the wealthy, students, artists — everybody."

Leo McCarthy

McCarthy, who was born in New Zealand 43 years ago, represents an entirely different kind of district. Though it contains some blacks, they tend to be middle-class homeowners, and their views are generally more conservative than those of Brown's ghetto constituents. There are some wealthy persons, as well, but neither are they the Pacific Heights liberals who dote on Willie Brown. Mostly though, McCarthy's 23rd District is filled with middle-class whites scrambling to pay mortgages, taxes and their kid's college tuition. Many are Catholic and most are Democrats, though they are generally to the right of Brown.

McCarthy, who calls the Legislature "my passion", believes his quiet, non-flamboyant work and devotion to the lower house will win the support of his Assembly colleagues. "My single-minded purpose is to become the leader of a productive, contributing legislative house," he explains. "My colleagues know that Willie has talked of running for Mayor of San Francisco or the United States Senate and that he wanted to be United States Attorney General if George McGovern became President. Well, I don't want to be Mayor. I have no interest outside of the Legislature. In fact, I love the state Legislature."

Legislative support

Speaker Moretti openly supports Brown as his successor in the Legislature's most important position. (In a sense, the Speaker is a dictator. He names all committee chairmen and makes virtually all committee assignments, and thus can control virtually every bill in the Assembly. The job is also coveted, as Moretti and Jess Unruh have demonstrated, as a possible stepping stone to the governorship.) But Brown already knows he cannot count on all of Moretti's backers. In fact, several Democrats akin to Brown ideologically are among McCarthy's key supporters, mainly because of their personalities. Should the showdown come, therefore, Republicans may decide which San Francisco Democrat will run the Assembly. In that case, McCarthy backers claim an advantage because, they say, Republicans would be hard put to explain a vote for Brown to their conservative constituencies.

McCarthy and Brown speak pleasantly of each other generally, but there are sore points on each side. McCarthy feels that Brown and his political allies, Phil and John Burton, have attempted to give San Franciscans and others the impression that he is allied politically with Mayor Joseph Alioto. "I like the Mayor and I supported him for election," says McCarthy, "but any characterization of a McCarthy-Alioto organization is superficial and untrue. There is virtually no relationship between us."

McCarthy — whose clothes are stylish, but without the Brown flare — maintains a lower public visability than his more colorful colleague. "I don't court the columnists the way he does," he explains. And, in fact, Brown is frequently mentioned by Herb Caen of the *Chronicle* and Jack Rosenbaum of the *Examiner*. Brown counts what he calls a natural bent for publicity as an asset in a Speaker's battle with McCarthy. "He couldn't

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The author is a San Francisco reporter who regularly covers the city's politics.

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have, and doesn't have, the exposure I've gotten," he maintains.

Political labels

Brown likes to point out that McCarthy is a more conservative Democrat from a more conservative district. "Our Assemblyman out there [McCarthy's district is on the western side of San Francisco] is more like [Republican] Congressman William Mailliard than like John Burton," he says.

"If we're talking about labels," counters McCarthy, "I'd call myself a mainline Democrat. I'm interested in broad social legislation, top-notch education, decent working conditions and protection of the environment." His special province has been legislation on behalf of the elderly, where he has won a considerable political following, and labor relations — he is chairman of the Assembly Committee on Labor Relations. "I'm not the kind of Democrat who is hypnotized with one or two issues, such as unconditional amnesty."

In any case, McCarthy believes himself to be the kind of Democrat his constituents want. "Bless their hearts, 80 percent of them voted for me last time," he notes.

McCarthy's political allies are Democratic Assemblyman John Francis Foran and Golden Gate Bridge Director Stephan Leonoudakis (partners with McCarthy in a San Francisco law firm), Board of Supervisors President Ronald Pelosi, and former Democratic County Central Committee Chairman Donald King. Brown is close to the Burton brothers, Dr. Carlton Goodlett, a powerful influence in the black community through his weekly newspaper, the *Sun-Reporter*, and white liberals, many of them rich.

City's influence

This impending battle between the two San Francisco legislators is only one indication of San Francisco's political clout in Sacramento. San Franciscans also are head of the powerful Assembly Rules Committee (John Burton), majority leader of the Senate (George Moscone), chairman of the Senate Local Government Committee (Milton Marks) and major Democratic candidates for Governor (Joseph Alioto and Moscone) and controller (Supervisor Robert Mendelsohn).

Why does a city that is losing its population and representation in the Legislature enjoy so much political influence? It has not always been thus, though politics are as much a part of the San Francisco climate as the fog and brisk west wind. But there is also virtually a new generation of legislators representing San Francisco — younger, sharper and more politically savvy than the team that entered the 1960's, with the exception of Senator J. Eugene McAteer (whose aide was McCarthy).

In this city of small dimensions and high densities, almost no one is immune to politics.

Brown believes that the political climate explains San Francisco's disproportionate influence. "Guys who come from here are already professionals when they reach the legislative body. It's the atmosphere here. The political qualities that are needed to gain prominence in the legislative bodies are the same qualities you need to get elected in this town. Unlike other places, you don't get elected in San Francisco because you were president of the Kiwanis or the Junior Chamber." He attributes the high degree of political consciousness to several factors: the small, compact size of the city; its position as a seaport; and a parochial media that gives extensive coverage to local political and governmental activities and little to state and national affairs. "Seaports, towns of first landing, are more political," Brown explains. "Newcomers always tend to be more liberal and open, rather than closed and protecting something. Seaports also attract dissidents, who have higher political consciousness. San Francisco has been a hot box for that." He sees the city as decidedly liberal. "High levels of political consciousness, openness and above-average education levels tend to produce more concern with the welfare of others, and that's my idea of liberalness," he says. "San Francisco is just too small for anyone to live here and not be aware of the problems of others."

This liberal trait exhibits itself in most elections. In 1972, for example, San Francisco voters went for George McGovern, the legalization of marijuana and a continued ban on the death penalty — all decisive losers statewide. Of the Democrats who voted in the city, where the party enjoys more than a two-to-one edge over Republicans, 81 percent voted for McGovern, who got 73 percent of the Democrats statewide. Here are some other examples from 1972:

Issue	State	San Francisco
For capital punishment	67.5%	48%
For personal use of marijuana	33.5%	51%
For protecting the coast	55.2%	61%
Against tougher obscenity laws	67.9%	77%

Republican presence

Despite this liberalism, half of the city's delegation in Washington and the state Senate is Republican. The success of Republican state Senator Milton Marks is attributed by one Democrat to the fact that he's "an urban representative". "This town is more loyal to Democrats than most," he says, "but that's in a race where sides and differences are clearly defined. Milton votes your way most of the time, has a letterhead that contains 50 percent Democrats, is responsive to constituent requests, goes to the right ribbon-cuttings. What more can you ask?"

Senator Marks runs citywide, but the other Republican in town, Representative William Mailliard, runs in a district that is Democratic but more conservative in temperament than the rest of San Francisco. Mail-

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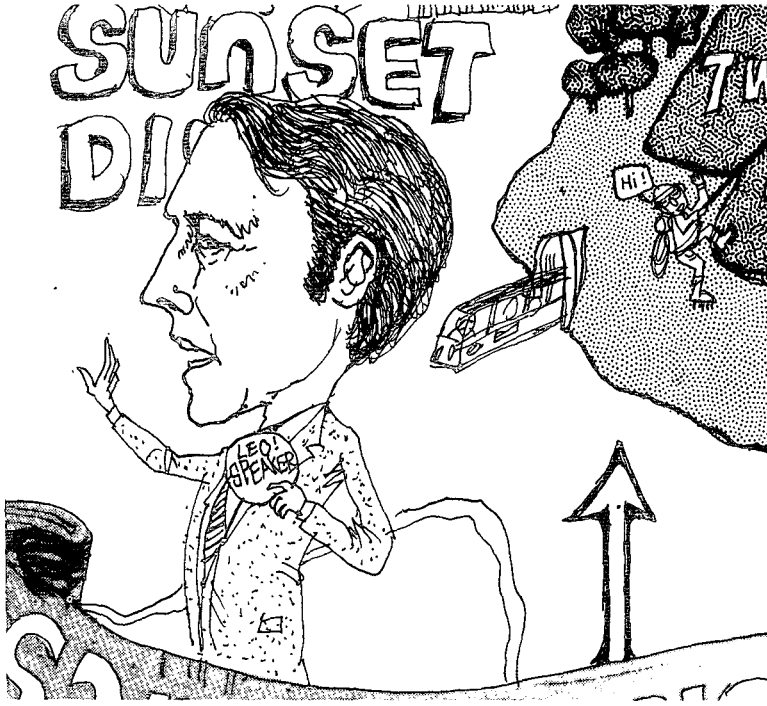
liard's continued success stems in part from having a name well-known in San Francisco history and politics — brother Jack served for years on the Police Commission, brother Jim did a turn as Supervisor until he lost interest, and his father started one of the west's largest food brokerages. Moreover, his district — roughly the same as Leo McCarthy's — enjoys a high voter registration and turnout but a notably lower degree of party loyalty. Also, the cooperation of his Democratic colleague from west of Twin Peaks, Philip Burton, in seeing that all possible Republicans and conservative Democrats are herded into Mailliard's district has helped his incumbency. And he maintains strong labor ties among maritime unions.

But Mailliard has had close calls in his last two challenges. He won last year by just 9,000 votes out of more than 200,000, and Democrats hungrily covet his seat. (Mailliard seems aware of the danger, however, and has already been running an occasional television plug, though the election is a year off.)



What makes San Francisco run?

The City and County of San Francisco covers 46 square miles punctuated by hills and fairly well-defined neighborhoods, ethnic groups and community interests. Because of its unique concentration of financial, cultural and communications media San Francisco has always dominated the much larger and more populous Bay Area, whose residents readily identify with San Francisco and seemingly accept a news media preoccupation with San Francisco at the expense of the bedroom communities they inhabit. (The *Examiner* refers to San Francisco as The City.)

The general population has been declining for 20 years, but the minority population rose. From 1950 to 1972, when the number of whites dropped 45 percent, the nonwhite population increased by more than 150 percent. At the same time, the average resident's age increased, the median now being 34.2 years, compared to a national average of 27.9.

Unique government

San Francisco is the only combined city and county in California, and one of the few in the United States. It is governed by a full-time mayor and a part-time Board of Supervisors. All 11 Supervisors are elected citywide although a plan to create 11 supervisorial districts was on the city's ballot this month. There is also a proposal to require the winning candidate for Mayor to have a majority of the votes cast or face a run-off election. Because whoever has the most votes wins, most of the city's Mayors in the last 40 years were elected by a minority of the voters. (Alioto, for example, had less than 40 percent of the vote in 1971.)

These proposed changes to the City Charter are at the center of a growing political debate. Supporters of the district plan argue that it would produce Supervisors more responsive to neighborhood needs and less beholden to big interests. Opponents, including Mayor Alioto, claim that the districts would become political wards and that Supervisors elected from them would lose their concern with citywide affairs or the well-being of neighborhoods outside their own district.

As it happens, Assemblymen Brown and McCarthy hold opposing views of the mayoral run-off proposal. Brown, with his hope of becoming the city's first black Mayor, likes the present system since he sees his chances of winning improved in a one-shot, winner-take-all election. McCarthy, who expresses no interest in becoming Mayor, favors a run-off on the grounds that every major city uses it and that it assures a mayor elected by majority vote.)

City elections

City elections are nonpartisan, but until the mid-1960's San Franciscans habitually elected Irish or Italian Democrats (with some notable exceptions, such as Greek Republican George Christopher). Party and ethnic labels don't mean so much any more, however, as local candidates tend to be judged by how they stand on the issues of the day, such as public transit, freeways, and the skyline. Even with a relatively high degree of loyalty among the city's Democrats, no well-oiled party machine exists to make use of it, and partisanship tends to fade before a Republican who takes the more popular position on urban issues. Successful San Francisco Republican politicians tend to sound like what might elsewhere be considered a middle-of-the-road Democrat.

More important than party labels in determining political stance are the many competing communities of interest that exist in San Francisco. In addition to the usual business and labor groupings, San Francisco has clearly defined political interests among ethnic groups, religious groups and the three newest political subdivisions: age, sex and neighborhoods.

Big-business interests play relatively less of a role in San Francisco politics than in other big cities. Many of the city's wealthiest business people live outside San Francisco, down the peninsula in Hillsborough, across the Golden Gate Bridge in Kentfield, or across the Bay Bridge in Piedmont. The number of financial contributors tends to be higher, too, and the average contribution lower in San Francisco than in Los Angeles.

Big labor, on the other hand, has been a traditional source of power in San Francisco politics. Though this impact may have been lessened somewhat by the movement of newly affluent union voters out of the city and the unions' pro-construction position in disputes over building heights and freeways, organized labor's in-

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fluence in the city remains greater than in any other major city of the West. Mayor Alioto built his personal political fortune on a foundation of labor support.

Ethnic elements

Ethnically, San Francisco offers substantial black, brown and yellow communities, along with its Irish and Italian communities.

The political characteristics of these ethnic groups contain some surprises because, while blacks and *latinos* tend to be strongly loyal to Democrats, there are substantial numbers of more conservative voters among the Chinese, Japanese and, particularly, the Italians, who are prepared to support Republican candidates in any election. A surprising number of Italian voters, for example, supported Harold Dobbs, twice the Republican challenger to Mayor Alioto. (Even here, however, nuance imposes: Dobbs' strength was notable in the affluent Italian neighborhoods, such as the Marina, and not in such working-class Italian neighborhoods as the Excelsior, where church-going and having a last name that ends in a vowel still mean something.) There seems to be a growing political consciousness among the Chinese and Filipinos, but the black community remains fragmented.

Religious factors

There are also three important religious segments in San Francisco politics: the Catholic Church, the Jews and the Reverend Cecil Williams of the Glide Memorial Methodist Church.

The Catholic Church, because of its vast membership in the Irish and Italian communities, has long been active in city affairs. This may be waning, although church leaders are still thought to be consulted in the selection of police and fire chiefs. (Nor has any one denied that Mayor Alioto dropped his plan to appoint a welfare recipient to his Social Services Commission several years ago when the Church objected because the female involved had an illegitimate child.)

Though relatively few in number, Jews have played important roles in city politics through active participation. Until Roger Boas, former Democratic State Chairman, quit the Board of Supervisors early this year, four of the 11 Supervisors — Boas, Dianne Feinstein, Quentin Kopp and Robert Mendelsohn — were Jewish.

Reverend Williams may be the best-known religious personality in the city's political arena at the moment. He is black, appears regularly on television, and is a dynamic leader who has attracted to his church a mixed bag of followers, including students, gays and counter-culture groups of one persuasion or another, and also middle-class whites seeking greater relevancy in their religion. (A typical Sunday morning service at his Glide Church featured two other ministers — one a leader of Senior Citizens — a rabbi, a choir, a rock band and a light show.

New groups

The newest political communities to emerge in San Francisco represent the interest of the aged, the homophile community and the neighborhoods. All three groups have existed before, of course, but only recently have they emerged to seek an active role in city politics.

San Francisco's elderly are increasingly the third largest age group in the city (only slightly behind the 15-24 and 25-34 age groups). Recently, they united to demand special bus fares (which they got), better police protection (which they sometimes get), and a member of the Mayor's staff to look out for their welfare exclusively. They are now clearly a political force to be reckoned with, and a politician ignores them at considerable peril.

The homophile community is a late arrival on the city's political scene. Its size is unknown, but Assemblyman Brown, who has the large majority of its activists in his district accepts it as a powerful political group. The gays, he explains, are well organized around the Tavern Guild (the official organization of the growing number of gay bars in San Francisco) and are increasingly active in political affairs. They also exhibit a growing level of political sophistication, as they have shown by concentrating their efforts on behalf of candidates in the districts where they are accepted (Upper Market, Polk Gulch), while staying out of neighborhoods where their open support might be a political liability (Sunset, Richmond). Sheriff Richard Hongisto, who was elected in 1971 on a platform that stressed civil liberties — including tolerance of homosexuals — attributes his electoral success in part to the active campaigning of the homophile community.

Then there are the neighborhoods. Political awareness there is growing over such issues as rezoning and street-cleaning. There has been considerable political activity in the city's neighborhood's before, but interest seemed to stay high only until the immediate issue was resolved. Though this is still largely the case, several permanent groups have arisen in the last five years — the Mission Coalition Organization, the All-Peoples Coalition in Visitacion Valley, the Planning Association of the Richmond, the Sunset-Parkside Education Action Committee, the Inner Sunset Action Committee — and are establishing a regular presence in City Hall decision-making.

While some political persons still discount the influence of the neighborhood groups (unless they are caught up in some immediate issue), few now overlook them, or ignore their "candidates' nights".

Pressure groups

There are also a number of special-interest groups to consider, even though most do not endorse candidates. These include the San Francisco Planning and Urban Renewal Association, a blue-ribbon group of business, academic and political figures, and San Fran-

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cisco Tomorrow, a small but active group of conservationists opposed, among other things, to unrestricted building heights.

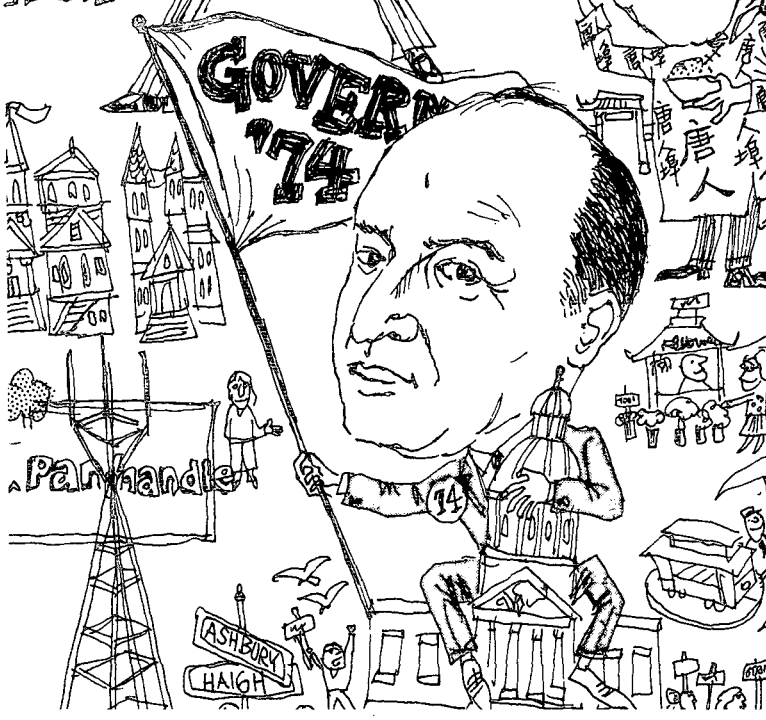
Nor does the list of groups end there. And candidates agree that all must be catered to — even all 26 Filipino groups McCarthy counts in his district.

Machine politics

Such diversity may explain why no political machine of traditional cast as such, functions in San Francisco today. Instead, there are loose coalitions drawn by particular issues or candidates.

The closest thing to a machine in recent years has been the political group surrounding Representative Phil Burton. It includes his brothers, Assemblyman John Burton and Community College Board Member Robert Burton, and their usual ally, Assemblyman Brown. The organization seems to be a machine only to the extent of re-electing its members and keeping their districts safe. But when John Burton ran citywide against Milton Marks for the state Senate seat, Marks proved the more powerful.

Reference is sometimes made to an Alioto machine, but Alioto-endorsed candidates have not done notably well. (Supervisor Robert Gonzales was swept aside when he challenged Representative Burton in the Democratic primary last year.) Mayor Alioto and the Burtons have been cool to one another, to put it mildly, since the Burtons endorsed one of Alioto's opponents in 1967. Their distance seems to stem from the fact that Alioto is a more conservative Democrat than the Burtons and Brown, competes with them for labor's support and minority voters, and challenges the influence they have enjoyed in city affairs and Democratic politics.



Alioto's emergence

Alioto's personality has dominated the San Francisco political scene since 1967, when the supporters of McAteer for Mayor picked Alioto to carry their colors after the Senator died suddenly. Since winning office, however, Alioto has moved neither to adapt the Democratic Party machinery to his liking nor to institute any changes in city government to perpetuate his influence once out of office. (Alioto had an opportunity in 1969 to oversee a major revision of the City Charter, for example, but he paid the matter little attention and the voters rejected the proposal.)

Alioto's departure, either by election as Governor next year or by retirement when his term ends in 1976, will unleash a host of mayoral candidates. Brown and Marks are already moving in that direction, and they may be joined by five Supervisors (depending on their political fortunes in the meantime) — Dianne Feinstein, Quentin Kopp, Robert Mendelsohn, John Molinari and Ronald Pelosi — and Superior Court Judge John Ertola, a former Supervisor.

In a city of such high political consciousness and so many ambitious young men and women, no election is without a horde of candidates. And out of such a political climate have emerged representatives who have risen easily in Washington and Sacramento — where the likely war of the Moretti succession, Brown vs. McCarthy, presents a vivid example.

The peaks and valleys of San Francisco

For the first 80 years of California's political life, San Francisco dominated the Legislature. In those days, both the Senate and Assembly were apportioned on a population basis, and most of the state's citizens lived in Northern California, with San Francisco their undisputed commercial, cultural and political capital. Aware, however, that Southern California's burgeoning population would eventually overtake Northern California's, northern political leaders in the 1920's began campaigning for a "federal plan" of legislative apportionment — one house based on population, the other on geography.

Voters adopted such a plan in 1926, and it took effect in the 1930 election. The reapportionment of 1931 ended northern control of the Assembly, but left the North in control of the geographically apportioned Senate.

Since then, San Francisco's influence in Sacramento has depended more on the personal ability of its delegation than on any built-in political advantage. Thus, at the very time that legislative power was shifting south, Californians chose as Governor James Rolph Jr., better known as Sunny Jim, who had served as Mayor of San Francisco from 1911 to 1930. Later, another San Franciscan, Edmund G. Brown, served eight years as California's chief executive (1958-66). Even now, the city has three candidates for the Democratic gubernatorial nomination: Mayor Joseph Alioto, state Senator George Moscone and UC Regent William Matson Roth. (Another contender, Brown's son, Jerry, is a transplanted San Franciscan.)

A decade ago, San Francisco had only one powerhouse in the Legislature, the late Senator Eugene McAteer. But the city's fortunes rose measurably when Democrats Edward Gaffney and Charles Meyers were replaced by the two men now fighting for the speakership, Willie Brown and Leo McCarthy.

CORRECTION

In last month's chart analyzing California's Congressional Districts under the state Supreme Court masters' reapportionment plan (p. 338), the proposed 16th Congressional District was listed as "Safe Democratic". It should have been "Safe Republican". This revises the summary to read: "18 safe Democratic, 4 leaning Democratic, 16 safe Republican, 3 leaning Republican, and two doubtful. The state's Congressional delegation is now 23-20 in favor of the Democrats.

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A YEAR BEFORE THE VOTE:

Brian vs Cranston for senator

By ED SALZMAN

Campaigns for statewide political office are getting interminably long. Think back, if you can bear it, to when the 1974 gubernatorial campaign began. It seems as though candidates for Governor in both parties have been wooing the electorate for at least two years. Indeed they have, and the 1974 election is still one full year away. Although the actual lineup for the June 4th primary won't be known until the close of filing March 8th, contests for the two top jobs at stake next year — Governor and U.S. Senator — are already taking shape.

The races for Governor and Senator are a study in contrasts: There will be so many candidates for Governor that the voters will need scorecards to identify the names, parties and political views of all the players. But, barring an unanticipated major candidacy, the Senate race will be a clear-cut contest from the start. Incumbent Democrat Alan Cranston and Dr. Earl Brian, state secretary of health and welfare for the Reagan administration, could face only token opposition in the June primary.

Alan Cranston

Cranston, 59, has been campaigning as though the polls show him facing a tough fight next year, which they don't. His supporters say he is guarding against a public reaction against all incumbents, both Democrats and Republicans, as a result of the Watergate-Agnew revelations.

As a former two-term state Controller and as U.S. Senator for almost five years, Cranston is well known to the electorate. Although the early polls show that he would probably be reelected against all comers, Cranston is not a particularly charismatic campaigner, and he is stumping the state taking advantage of the Democratic Party's biggest asset — the problems of the Nixon administration, especially in the field of economics. There is some concern in Cranston's camp that the Republicans will challenge him with a dynamic young candidate who is virtually unknown to the populace and untouched by the wave of distrust of politicians.

Alan Cranston

Earl Brian

The 31-year-old Earl Brian could be just that kind of opponent, and he has already received the blessing of the most powerful person in California Republican politics, Governor Ronald Reagan.

Brian started working on his campaign only about three months ago — far later than most. He is concentrating on building up a force of precinct workers and gathering money for an expensive campaign. He says that he has found his youth an advantage with under-35 Californians and that his slight drawl — he came to Sacramento from the Carolinas eight years ago — gives him a certain rapport with Negro voters.

Brian has never run for public office before. Whatever political reputation he has was earned exclusively as a health-and-welfare administrator for Governor Reagan. In campaigning, he will take most of the credit for reforming the state Medi-Cal program and some of the credit for welfare reform. Behind the scenes, he has been one of the Governor's most effective lobbyists with the Legislature. He is one of the few men that the Governor has given a free hand to make deals with the Democratic leadership.

A hulking former athlete and military physician, Brian sees Watergate as an asset because he is a fresh face on the political scene. Like Cranston, he plans to emphasize economic issues. Congress, he claims, should establish a commission to determine in advance what effect enactment of any bill pending in Washington would have on the public's buying power. He also talks about morality in government and the broad health-care problem, emphasizing that if elected he would become the only doctor in the Senate.

Dr. Earl Brian

Cranston knows from personal experience that he should not take Brian or any other opponent lightly. He first came to prominence in 1958 when he was elected Controller in the statewide Democratic sweep. He was reelected four years later, and ran for a third term in 1966. Although expected to be one of the few incumbent survivors in the 1966 GOP takeover led by Reagan, Cranston was defeated by a relatively unknown Assemblyman named Houston I. Flournoy, who had been thrown into the race at the last minute by a group of partying colleagues.

Cranston revived his political career in 1968 with a gamble: He ran for the U.S. Senate, fully realizing that it would be almost impossible to defeat the incumbent, Republican Thomas H. Kuchel. But Kuchel was unseated in the primary by Max Rafferty, then Superintendent of Public Instruction, and Cranston assumed the role of favorite for the general election, and won.

At this point in the preliminaries, there is one key

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unknown factor — the intentions of Robert H. Finch, former Lieutenant Governor, U.S. Secretary of Health, Education and Welfare in the Nixon administration and, finally, counselor to the President. Finch has not yet let it be known whether he will run for Governor, Senator or anything.

Finch's dilemma is relatively simply stated: If he runs for Governor, he will be forced to share the more liberal end of the political spectrum with Flournoy and, to a lesser extent, Attorney General Evelle J. Younger. If he runs for Senator, he will come to grips with a Reagan-backed Brian in the primary for the right to run against Cranston, who might be unbeatable. Those managing the gubernatorial campaign of Lieutenant Governor Ed Reinecke hope that the 47-year-old Finch will run for Governor, under the theory that he shares the same political base as Flournoy and perhaps Younger. But they doubt that he will run for anything.

Until a month or so ago, the key figure in the Republican race for Governor was Caspar W. Weinberger, 56, who currently heads HEW. Weinberger was making noises like he would run for Governor if the right sort of a draft developed. He was telling party leaders, notably Reagan's so-called kitchen cabinet, that he would like a clear field to the nomination plus a guarantee of solid financial support. Neither of these conditions has been met, partly because efforts to get Reinecke out of the race failed and partly because the Governor's people were more concerned with raising money for Proposition 1 than for Weinberger.

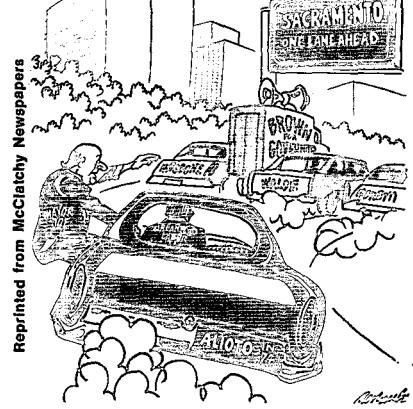
Assuming that neither Finch nor Weinberger enters the Governor's race, there will be three major contenders in the GOP primary — Reinecke, Flournoy and Younger. Reagan has made it clear that no amount of pressure will make him seek a third term.

Reinecke's strategy

Reinecke, 49, drew some unfavorable publicity from a series of newspaper reports involving problems with his staff and the ITT affair, relative to holding the 1972 GOP National Convention in San Diego, but the polls indicate that his political standing was not badly damaged. He is attempting to become the "nice guy" of the campaign and to solidify the conservative elements of the party behind him. Reinecke's strategy involves pushing Younger as far to the left as possible. But Younger, 55, is an adroit politician who has been described by former state chairman Gaylord Parkinson as the "middle-road, law-and-order candidate."

Younger has a solid base in Los Angeles, where he served as district attorney and as a Superior Court judge. Normally, he could be expected to count on the support of the *Los Angeles Times*, but that newspaper recently announced a change in editorial policy that may preclude its endorsement of any candidates in 1974. Younger has two possible problem areas: He has given his son a top job in the state Department of Justice, laying himself open to a charge of nepotism, and he has been identified by the *Wall Street Journal* as recipient of a favor from the operator of a fraudulent oil-exploration operation.

The 44-year-old Flournoy, who has been Controller for the last seven years and was the top Republican vote-getter in 1970, has a more fundamental problem: He has a reputation of being a liberal, and over the years has found himself under attack from the conservative elements in his party. But he has some assets: a pleasing personality, knowledge of most of the state's



'Follow That Car . . . And That One . . . And That One . . . And . . .'

key issues, and an organization that has been at work for a long time.

The cast of gubernatorial candidates is even longer for the Democratic primary, although there is constant talk that one or more of the contenders will drop out before the March 8th cut-off date.

Aside from the five so-called major candidates, considerable money is being spent on behalf of Herb Hafif (pronounced "half"), 43-year-old former president of the California Trial Lawyers Association, and William Matson Roth, 56-year-old University of California Regent. The dynamic Hafif said he will withdraw unless his candidacy catches fire soon, and he may raise some money from attorneys who respect his fight against no-fault automobile insurance legislation while CTLA's man in Sacramento. Roth is spending plenty of his own money (an estimated $250,000) and has hired an astute campaign manager, Sandy Weiner.

But these campaigns are thus far hand-to-mouth operations compared to the elaborate efforts of the big five — Alioto, Brown, Moretti, Moscone and Waldie. These men have been on the hustings almost from the day Reagan won reelection in 1970, under the assumption that the 1974 contest would be wide open, with an excellent chance for a Democrat to win. Here is how their campaigns have taken shape:

Mayor Joseph Alioto of San Francisco, 57, will have more money than anybody, because he can count on strong backing from big labor plus some of the traditional major contributors form San Francisco. He will be the least liberal major contender and, as such, can probably count on support from developers attempting to combat the legislative drive of the conservation movement. Alioto is a facile speaker with a star quality. But perhaps the biggest question in the entire campaign is how much he has been hurt by both the *Look Magazine* article seeking to link him to Mafia figures and by his court battle in the State of Washington in a highly publicized fee-splitting case. The Mayor was cleared in court on the *Look* charge through a libel suit, and extricated himself from the Washington affair without damage.

Secretary of State Edmund G. Brown Jr., 35, is the early leader, according to the polls. The other candidates concede his lead, but claim that he has no place to go but down and predict that he will fade as the campaign gets going and he comes under more detailed public scrutiny. Is this wishful hoping or shrewd political analysis? Brown has going for him a magic name in California politics, his big lead, access to big campaign contributors through his father (two-term Governor Pat Brown) and a safe haven for maximum press exposure, the Office of Secretary of State. Brown has made a great deal more out of his office than any of his predecessors, issuing a record number of press releases,

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holding frequent news conferences and going to court to compel compliance with state election laws. He also has played a major role in the present initiative drive to open up election practices.

Assembly Speaker Bob Moretti, seems to have staked his campaign on Proposition 1. He proclaimed himself the top opponent of the tax-limitation measure, assuming that he could make a favorable impression on Democrats by emerging as Reagan's main antagonist. As Speaker, he also has a ready-made political base — those from throughout California who serve under him in the Assembly. He will continue to get publicity next year during the height of the primary race through his daily involvement in the legislative process. Moretti has been developing a personal campaign kitty for some time, but he will find it harder to raise funds should he be forced to step down as Speaker once he announces.

Senate Democratic leader George R. Moscone of San Francisco, 43, has held testimonial dinners to raise funds, but he is strictly a poor boy compared to fellow San Franciscan Alioto. Moscone has been attempting desperately to line up the liberal wing of the party behind him but has found it divided, with every major candidate but Alioto picking up a piece of the action. Moscone has been traversing the state for a year talking with every group willing to listen, but his impact so far has been such that the other candidates expect him to withdraw from the race.

Congressman Jerome R. Waldie, 48, of Contra Costa County, is perhaps the most complicated of these candidates. He is probably the nearest thing to a populist in the group, depending upon relatively small donations and a cast of thousands who have never before participated in politics. He knew he needed name recognition, so he took a highly publicized — and he says highly successful — walk from the Mexican border to the San Fernando Valley, a gimmick that has been successful in other states. He says more walks are on the way. Meanwhile, Waldie has been quietly developing a network of precinct workers that he hopes will total 40,000 by primary election day. And he has been using his position as a congressman to develop support among special-interest groups, such as federal workers. Those who remember how rapidly he rose to prominence in the Legislature 15 years ago claim that Waldie should not be taken lightly.

Other races

While the lineups for Governor and Senator have taken general shape, no clear picture has emerged in the six other statewide races next year. (The filing period for the primary starts February 11th, but candidates for judicial and legislative offices will be required to file declarations of intent to run between January 28th and February 6th.) The current outlook:

Lieutenant Governor. The top Republican candidates will probably be state Senator John L. Harmer and John G. Veneman, former U.S. Undersecretary of Health, Education and Welfare. Among better known Democrats, state Senator Mervyn M. Dymally apparently has made a firm decision to run but expects strong primary competition.

Attorney General. State Senator George Deukmejian now appears to have a clear field for the GOP nomination, and two Assemblymen, Jack Fenton and Walter Karabian, could be the prime contenders among Democrats.

Controller. Among Democrats, Supervisor Robert Medelsohn of San Francisco is running hard, but could face a tough opponent in Assemblyman Ken Cory of Orange County. Assemblyman William Bagley of Marin County is running for the GOP nomination, and John Kehoe, state Director of Consumer Affairs, is talking about opposing him.

Treasurer. Incumbent Ivy Baker Priest recovered from the death of her son and husband, and looking younger than ever, is ready to run again. No strong Democratic opponent has yet appeared.

Secretary of State. Brian Van Camp, state Corporations Commissioner, has unofficial blessing from the Governor and support from fellow graduates of the University of California at Berkeley, where he was student body president a dozen years ago. He will face strong opposition from John G. Schmitz, former Republican congressman and unsuccessful 1972 American Independent Party candidate for president, and others. The Democrats have numerous possible candidates, including two women, Assemblywoman March K. Fong and Cathy O'Neill of Los Angeles, unsuccessful state Senate candidate in 1972 and a favorite of women's organizations.

Superintendent of Public Instruction. Conservatives are looking for a candidate, but as yet no strong opponent has come forth to challenge incumbent Wilson Riles in this non-partisan post.

Here is the latest list of potential candidates:

Democrats

Governor. Mayor Joseph Alioto of San Francisco, Secretary of State Edmund G. (Jerry) Brown Jr., Assembly Speaker Bob Moretti, Senator George Moscone of San Francisco, University of California Regent William Matson Roth, Representative Jerome R. Waldie; Herbert Hafif, Claremont attorney.

United States Senator. Incumbent Alan Cranston, Howard L. Gifford of Patterson.

Lieutenant Governor. Roger Boas, former San Francisco supervisor; state Senators Mervyn Dymally and George Zenovich; Howard Miller, University of Southern California professor; John Merlo, Chico attorney; Terry Goggin, administrative assistant to Representative George E. Brown Jr.; Bernice Slater, Sacramento broadcaster.

Controller. Assemblyman Ken Cory of Orange County, Supervisor Robert Mendelsohn of San Francisco.

Attorney General. William Bennett, member of the state Board of Equalization; Assemblymen Walter Karabian and Jack R. Fenton.

Treasurer. Milton Gordon, former state real estate commissioner and unsuccessful Democratic nominee in 1970; Gray Davis, finance aide to Mayor Tom Bradley of Los Angeles.

Secretary of State. William Durley, Sacramento County clerk; Assemblywoman March K. Fong of Oakland, Senator Alan Short of Stockton; Herman Sillas, Los Angeles attorney and chicano leader; Cathy O'Neill of Los Angeles, 1972 state Senate candidate.

Republicans

Governor. Controller Houston I. Flournoy, Lieutenant Governor Ed Reinecke, Attorney General Evelle Younger, former presidential counselor Robert H. Finch, Caspar W. Weinberger, Secretary of HEW; Ivaldo Lenci, Sacramento businessman.

United States Senator. Finch, Mayor Pete Wilson of San Diego, state Senator H. L. (Bill) Richardson of Arcadia; Dr. Earl Brian, state Secretary of Health and Welfare; William S. Banowsky, president of Pepperdine; Gordon Paul Smith, former state finance director.

Lieutenant Governor. Joe Blatchford, former Peace Corps Director; John Veneman, former Undersecretary of Health, Education and Welfare; H. D. Timm Williams, former state Indian affairs advisor; Senator John L. Harmer of Glendale; Assemblyman Floyd Wakefield of Downey; Ben Fernandez, Encino business consultant.

Controller. Assemblyman William Bagley of San Rafael, John Kehoe, state director of consumer affairs.

Attorney General. Younger and state Senator George Deukmejian.

Treasurer. Incumbent Ivy Baker Priest.

Secretary of State. Mike Montgomery, South Pasadena councilman; James Flournoy, unsuccessful 1970 candidate for Secretary of State; John G. Schmitz, 1972 American Independent Party candidate for President; Brian Van Camp, corporations commissioner.

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Open-government initiative

Legislators are prodded to act,
but not enough to head off reformers

BY BRUCE KEPPEL

"Check his income tax!" cried a Republican in the crowd watching President Nixon announce his nomination of Representative Gerald Ford as Vice President to succeed Spiro Agnew, who resigned after pleading no contest to one count of income-tax evasion. The comment, made at a Sacramento gathering of GOP workers, illustrates either the height of interest in reforming politics today or the depth of the cynicism that has set in during this year of continuing political scandal.

So far, 1973 has been an important year for cleaning up politics in California. But so fast is the tide of reform flowing here that the considerable accomplishments of the 1973 Legislature were insufficient to head off a drive to qualify an initiative for next June's ballot aimed at shedding light on shady areas of campaigning and lobbying.

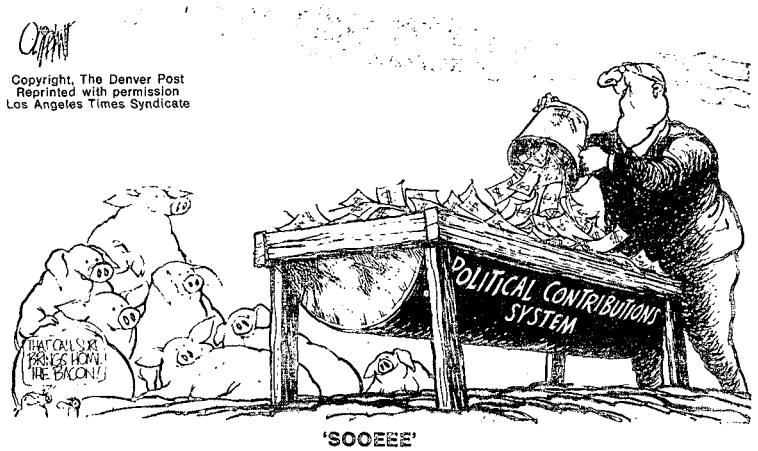
Legislative accomplishments

Despite the intense public attention on unsavory and illegal campaign practices nationally for more than a year, the California Legislature acted with little sense of urgency until the initiative campaign emerged this summer as a real legislative alternative. When legislators returned in August after their summer recess, the key electoral reform bills, which had been wallowing for months in their houses of origin, suddenly began to move. By the time the final gavel fell, the Legislature had approved several key measures, which were subsequently signed into law by the Governor.

- **Campaign disclosure.** AB 703 (Waxman) comes closest of all the bills to matching the provisions of the initiative. It requires candidates to report the name, address, occupation and employer's name of any person contributing a total of $100 or more, as well as identification of all campaign expenditures totaling at least the same amount, specifying who received them and for what services. This information must be reported 25 days and 7 days before and 38 days after the election, in the case of candidates and their election committees, 35 days after qualifying a ballot measure, and 32 days and 11 days before the election and 45 days after for committees supporting or opposing ballot measures. Cash contributions of $500 or more are prohibited. (The initiative lowers the contribution-expenditure total to $50 and uses different reporting dates.)

- **Conflict-of-interest.** The Legislature passed SB 716 (Moscone) after considerably narrowing its scope on the eve of adjournment. SB 716 requires public officials to disclose any financial interests they have in the area of their public responsibilities if the value exceeds $1,000 and also to indicate whether the value exceeds $10,000. Any income, loans or gifts in areas of public responsibility received in the preceding 12 months and exceeding $250 must also be reported, with an indication of whether they exceed $1,000. (The order of magnitude provision is phrased as it is to respect financial privacy, which was the point on which an earlier disclosure act, the Unruh Act of 1969, was declared by the California Supreme Court to be unconstitutional.) The bill was weakened chiefly when the Assembly Ways and Means Committee changed "shall" to "may" in specifying local-government responsibility in drawing up conflict-of-interest codes for their employees — a move that sharply restricts the bill's scope at the level its backers consider particularly important.

- **Open meetings.** The voters will decide in June whether to amend the state Constitution to require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POLITICAL CONTRIBUTIONS SYSTEM
THAT'LL SURE BRING HOME THE BACON!
'SOOEEE'

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the Legislature to meet in open sessions, including the hitherto secret bargaining sessions at which representatives of the two houses hammer out the final compromises on the budget. SB 278 (Grunsky), the statute to carry out the constitutional provision if it is adopted, writes present practice into law, with the basic change of opening the budget conference committee hearings to the public. But the statute can be strengthened — or weakened — once the open-meeting principle is imbedded in the Constitution.

A bad taste

And yet, when the session ended at about 6 a.m. on September 15th, it left a bad taste in the mouths of the chief architects of governmental reforms:

- *Secretary of State Edmund G. Brown Jr.*, who won office three years ago on that platform and hopes to ride it into the Governor's office as well.
- *Common Cause*, the public-interest lobby based in Washington, which has been working the California Legislature for the last two years as part of its national campaign to open up government.
- *People's Lobby*, a Los Angeles-based volunteer lobby spawned to push environmental issues and drawn to governmental reform by first-hand observation of what happened to its proposals.

The reason for the bad taste was that only minutes before the session was adjourned until January, a bill that appeared likely to pass the Legislature was critically wounded in the Senate in a manner reminiscent of the era in which lobbyists and the so-called Senate club controlled legislation in the upper house.

The death of AB 1218

The object of attention was AB 1218 (Meade). The opponents' concern focused on the measure's requirement that lobbyists register themselves, their employers and the interests they represent (all of which is already required), but also that they list on whom they are spending their expense money and for what specific purpose. Moreover, the measure, though not without loopholes, also provides for independent enforcement, which for all practical purposes does not now exist.

AB 1218 had sailed through the Assembly and cleared its last Senate committee, where it had encountered some thrilling times, before finally reaching the Senate floor, where passage was expected — another victory, if modest, for the forces of reform in government. Robert M. Smith, Common Cause's California Project Coordinator, set the stage for his membership:

> A few sympathetic Senators, plus some members of the press, notified us that a plan was afoot to subvert the passage of AB 1218 on the floor. The plan was to move for the inclusion of one debilitating amendment that would either kill the bill or force its delay until January.

Finally, at about 2 o'clock Saturday morning, Senator Jack Schrade, a 71-year-old San Diego legislator identified with the upper house "old guard", rose to offer an amendment to the bill, saying he merely intended to strengthen it — an irony to those familiar with Schrade's legislative record in dealing with special-interest groups.

Jack Schrade

Schrade's amendments — according to the bill's author, Assemblyman Ken Meade, to be the work of a pair of lobbyists who enlisted the aid of their colleagues in working the Senators — changed the definition of legislative advocate, or lobbyist. As amended, reporters covering government and constituents making their concerns known to their legislators would have to register as lobbyists. The carefully qualified original definition read:

> 'Legislative advocate' means any person who is employed or contracts for economic consideration, including governmental employees, other than reimbursement for reasonable travel expenses, to communicate directly, himself or through an agent or agents, with any legislative or administrative official for the purpose of influencing any legislative or administrative action, if a substantial or regular portion of his activities for which he receives consideration is for the purpose of influencing legislative or administrative action.

Under the lobbyists' amendment proposed by Schrade, this section was shortened to read:

> 'Legislative advocate' means any person who communicates directly, himself or through an agent or agents, with any legislative or administrative official for the purpose of influencing any legislative or administrative action.

"Few times in the session did members of the California Senate act together so smoothly," Smith observed. "The next few seconds were an obviously planned sequence of events that left observers stunned." A voice vote was called for by the Senator then presiding, Ralph Dills, on acceptance of Schrade's amendments. Hearing an immediate loud chorus of "aye!", Dills quickly gaveled acceptance. This move failed, however, after some of the Senators who were fighting the third house's efforts — Senators Dennis Carpenter, George Moscone, Anthony Beilensen and Arlen Gregorio, according to Common Cause's account — insisted on a roll-call vote [see box]. This fell two votes short of defeating the amendment. As Smith related to Common Cause's members:

> This left the final resort of sending the bill out of the Senate as amended with the hope that the unconstitutional, unworkable amendment could be deleted from the bill in conference committee — then passed by the Assembly later that evening.

But debate continued on the Senate floor, and it wasn't until 3 a.m., after the Assembly had adjourned,

SENATE VOTE ON SCHRADE AMENDMENTS TO AB 1218

The successful Senate vote to amend AB 1218 and thus make it unacceptable to its sponsors was as follows:

For the amendments: Alquist, Berryhill, Collier, Coombs, Cusanovich, Deukmejian, Dills, Dymally, Kennick, Richardson, Robbins, Roberti, Schrade, Short, Song, Stull, Walsh, Way, Wedworth, Whetmore, Zenovich: **21 aye.**

Against the amendments: Behr, Beilenson, Biddle, Bradley, Carpenter, Gregorio, Grunsky, Harmer, Holmdahl, Marks, Marler, Mills, Moscone, Nejedly, Petris, Rodda, Stevens, Stiern: **18 no.**

Not voting: Lagomarsino.

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Summary of key provisions of political reform initiative

Campaign receipts and expenditures. In every campaign for elective office, at all levels of government, reports of all contributions and expenditures must be filed if at least $500 is raised or spent. The reports are due at specified times:

- Candidates and committees must report 40 and 12 days before the vote and 65 days after.
- Proponents of ballot measures must report 65 days after qualifying their measure.
- Committees supporting or opposing ballot measures must report 35 and 7 days before the election and 70 days after.
- Elected officials must report every six months while in office.

These reports must identify all contributors of $50 or more by name, address, occupation and employer's name, the amount given each time and cumulatively. Persons receiving $50 or more and the services they render must also be identified.

Campaign committees must file statements with the Secretary of State. These must include their affiliation, treasurer and principal officers, and the name and office sought by each candidate and title of each measure they support or oppose.

Fair Political Practices Commission. A five-member appointive board, no more than three of whose members can be from the same party, is created to enforce the initiative's provisions and is given a $1 million annual appropriation. The Governor appoints two members, not of the same political party, and the Attorney General, Secretary of State and Controller appoint one member each.

The commission is to investigate charges of possible violations of the Political Reform Act on the part of agencies, public officials and candidates. It can subpoena records and witnesses, issue cease-and-desist orders, and levy fines up to $2,000.

Campaign spending limits. How much can be spent in statewide campaigns is based upon the number of citizens of voting age in the state as of January of the year preceding the election. Using the 1973 estimate of 14 million voting-age persons, the spending limits are:

- *Governor* — 7¢ per voting-age citizen ($980,000) in the primary and 9¢ in the general election ($1,260,000).
- *Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction* — 3¢ per voting-age citizen ($420,000) in the primary and again in the general.
- *Incumbents seeking reelection to statewide office* — 10 percent less than their challengers' limits.
- *Party state central committees and affiliated bodies* — 4¢ a voting-age citizen ($420,000).
- *Independent committees* — $10,000 maximum.
- *Initiative qualification* — No more than 25¢ times the number of signatures required can be spent ($81,376) to qualify statewide measures such as this.
- *Ballot-measure campaigns* — Expenditure limits over $10,000 will be set by the Fair Political Practices Commission. Expenditures for both sides cannot exceed the lesser of the following: 8¢ times the voting-age population ($1,120,000) or $500,000 more than the amount approved by the commission to be spent by one side.

Conflict-of-interest. Public officials must disclose financial holdings that present "a potential conflict with their official responsibilities", and are disqualified from making public decisions in areas of conflict.

Elected state offices, boards of supervisors, city councils, the chief administrative and elected officers of cities and counties, and candidates for election to any of these offices are covered. Disclosure must be made before assuming office, periodically while serving, and on leaving office. The statements include:

- Any investments worth at least $1,000, indicating whether their value exceeds $10,000 or $100,000.
- Any interests in which at least 50 percent is held.
- Income totaling $205 or more in 12 months, indicating if it exceeded $1,000 or $10,000; any gifts valued at $25 or more, with the name, address and a general description of each source.
- Income from businesses, if more than $1,000 was received for legal or brokerage services, or $10,000 for other businesses.

All state and local agencies must adopt a conflict-of-interest code that contains:

- A list of jobs vulnerable to conflict-of-interest considerations.
- The circumstances under which an official must be disqualified from acting.

Ballot Pamphlet. The ballot pamphlet sent to voters before each election is revised to include more information in a more readable format. The text of all proposed measures and the existing laws to be repealed are to be included, along with arguments and rebuttals for and against, and an analysis prepared by the nonpartisan Legislative Analyst.

Incumbency. The fact of holding the office being contested is not a factor in determining the order of placing candidates' names on the ballot. Once an elected state officer files a declaration of candidacy, all mass mailings at public expense must cease.

Lobbyist Regulation. Lobbyists must register with the Secretary of State. (They now register with a joint committee of the Legislature.) Lobbyists cannot make contributions and gifts exceeding $10 monthly. They must open separate accounts to handle lobbying funds.

All payments received for their activities must be reported periodically; these reports also include deposits and expenditures in the lobbying account, expenditures of $500 or more in one year made to any business in which a public official or candidate holds interest. The legislative or administrative decisions the lobbyist sought to influence must also be reported.

Those who hire lobbyists or who spend at least $250 a month to influence legislative or administrative decisions must report expenses over $25, gifts to officials, candidates or members of their families, business transactions exceeding $1,000 with firms in which an official or candidate has ownership, the date and amount of political contributions.

Auditing. The Franchise Tax Board audits and investigates reports filed by lobbyists.

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that the bill passed as amended, freezing action on the lobby-regulation bill until January.

Petitions go out

Had AB 1218 passed without the debilitating Schrade amendment, Smith says, Common Cause might not have gone ahead with the initiative effort already underway by People's Lobby volunteers. "It would have saved us a great deal of work if the Legislature had enacted all these measures," Smith concluded, "but we must now commit our energy to the passage of these reforms by initiative."

On August 4th, the Coalition for Good Government had filed its 111-page initiative with the Attorney General, and early in September the petitions were ready. It marked months of work by two young members of Secretary of State Brown's staff, Daniel Lowenstein and Robert Stern, with much refinement from members of the coalition. "The people of California are demanding an end to skyrocketing campaign costs and domination of our state government by lobbyists and special-interest groups," Brown had declared when the initiative was filed. "This initiative will clamp a lid on campaign spending and remove the veil of secrecy which often obscures political fund-raising from public view."

The proposal is tougher, and, its authors maintain, far more refined than similar measures recently approved by voters in Washington and Colorado. In brief it would:

- Require complete identification of campaign contributors of $50 or more for all statewide and legislative offices.
- Prohibit campaign contributions by lobbyists.
- Require public officials to disclose their assets and outside income falling within the area of their public responsibility.
- Limit the amount of money that could be spent in races for Governor and other statewide offices and ballot-measure campaigns.
- Authorize automatic auditing of the candidates' required spending statements.
- Provide criminal and civil penalties for willful violations.
- Create a Fair Political Practices Commission with adequate funds to hear complaints and mete out penalties.
- Impose a system of rotating candidates' names on ballots so that incumbents are not always at the top.

December deadline

Under legislation passed just before adjournment, SB 1164 (Dymally), the deadlines were changed for the filing and examination of initiative petitions to check the validity of the signatures they bear. As a result of this urgency measure, the proponents of the initiative have until December 24th to gather the necessary 325,504 signatures to qualify the measure for the June 4th ballot. So far, more than half the needed total was raised in the first month, according to the backers, and the goal is to qualify by December 1st. If so, the lobbyists' late show in the cooperative upper house could become the private-interests' last hurrah in California politics.

It was said . . .

It makes no difference to me. I'll still be here doing this until I drop dead.

. . . by Robert H. Simpson, 93-year-old Capitol picket, reacting to Governor Reagan's veto of a bill to end a ban on Capitol picketing, the so-called Simpson law.

In all honesty, I don't really see how a woman can say that she wants the man she loves to be President. It seems like the job is almost too much for one man . . . . 1976 is still a long ways away.

. . . by Nancy Reagan commenting in an interview with Associated Press on her feelings about a projected try by her husband for the presidency.

He is running for President. The evidence is there.

. . . by Senator John L. Harmer, Senate Republican Caucus chairman, commenting on Governor Reagan's political future.

Can you explain how this phrase can possibly educate our youth: 'Masturbation or self-stimulation is a common practice among both males and females'? This is degrading and humiliating to a young child just leaving grade school and entering junior high.

. . . by Assemblyman Floyd Wakefield in seeking to win withdrawal of the 7th-8th grade text Human Sexuality *on the ground that it would "promote sexual stimulation".*

I hope you won't quote me. I haven't said anything, have I? A friend of mine once told me that if you don't say anything, they can't quote you.

. . . by Chairman George D. Hart of the State University and Colleges Board of Trustees, in concluding an interview with the Los Angeles Times *regarding the board's denial of merit raises for four of 19 college presidents.* [See "People in the news", p. 394.]

You could live forever on this diet if it was a matter of physical necessity, but it would be awful.

. . . by U.S. Senator John Tunney, commenting on his two-week experiment of living on a $1.25 daily food budget.

Heads will roll. The question is: Is one of them mine?

. . . by Assemblyman Leroy F. Greene, commenting on the reapportionment plan submitted by the Special Masters to the state Supreme Court.

I'm 105 years old. I've never touched a politician or been touched by one in my whole life — and I think I owe my longevity to that.

. . . by a man sitting on a San Diego park bench, explaining to Representative Jerome R. Waldie, a Democratic candidate for Governor, why he wouldn't shake his hand.

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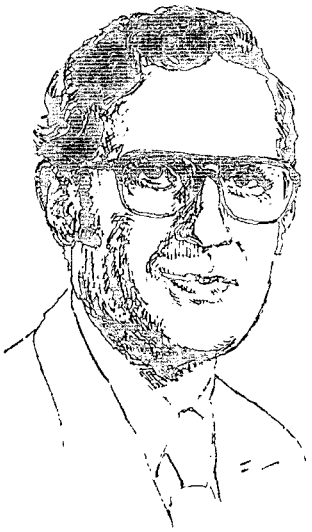
INTERVIEW:



Joseph E. Bodovitz

Coastline commissions -- what have they done?

A year ago, California voters approved Proposition 20 and thus created seven commissions — six regional and one statewide — to control development along the coast. Because the proposal was patterned after the San Francisco Bay Conservation and Development Commission, it was not surprising that Governor Reagan would appoint BCDC's chairman, *Sunset* magazine executive Melvin Lane, as head of the Coastal Zone Conservation Commission and that the commissioners, in turn, would name BCDC's staff chief, Joseph Bodovitz, as executive director. Because of their experience, Lane and Bodovitz were able to put the new agencies into operation ahead of the scheduled February 1st starting date. (For a list of commission appointees, see *CJ*, January 1973, p. 19.)

In the following interview with Bodovitz, the *Journal* explores the issues that have arisen during the year since the initiative was enacted:

Your state commission has been described as the most powerful regional agency in the state and you have been designated, by implication, as the most powerful man in regional government because the commission invariably accepts your recommendations.

Bodovitz: Not invariably.

How would you describe the membership of the commissions?

Bodovitz: Some of the commissions are inclined toward development and others seem to be much more conservation-oriented. But it's too early to tell. I think the test is — as certainly was the case with BCDC — not what preconceptions people had at the start but whether, after a period of working together, as fair-minded people, they would come out at about the same place. I think this is beginning to happen. The commissions, even the ones the environmentalists have criticized as being too pro-development, are now seeming to take a harder look at things.

How have most of the appointments worked out?

Bodovitz: One of the good things that has happened in a couple of places is that people who were strongly opposed to Proposition 20 have wound up on the commission and have taken what I think is an admirable position — that they were against it but the people wanted it and now they're going to try to make it work.

What are the most conservationist-oriented commissions?

Bodovitz: Of the six, the Bay Area's and Monterey's appear thus far to be the most conservation-oriented.

How would they compare with the state commission?

Bodovitz: It's hard to say. I really think that the proponents of Proposition 20 couldn't have, in their wildest dreams, expected a better state commission . . . , conscientious, environmentally oriented, hard-working. There are disagreements but no saboteurs. Just good people.

Did you have saboteurs in BCDC?

Bodovitz: In the initial days, some. But it changed quickly.

Does the state commission hold ultimate power?

Bodovitz: It has the ultimate power, but there have been some 4,000 permits and about 500 claims of exemption statewide since February. Of that total, only 190 have been appealed.

Who's been doing the appealing?

Bodovitz: When a developer is denied at the regional commission, he has very little to lose by appealing. So

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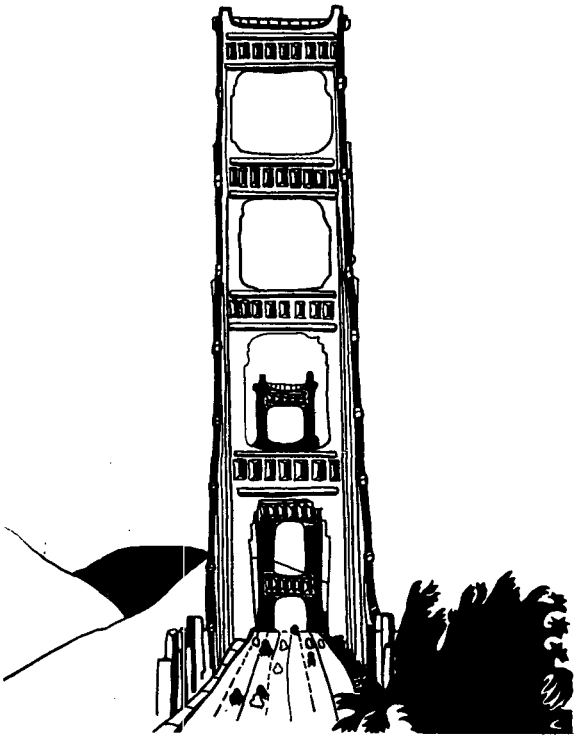

almost all the denials are appealed. And so are some approvals.

How many reversals have there been?

Bodovitz: It's hard to say, because a big number of those have been on claims of exemption, and those are legal matters. There have not been a large number of reversals on permits, but I'd say some significant ones.

How have the developers done on appeals?

Bodovitz: I can think of very few cases where an applicant has been turned down by a regional commission and has won everything he wanted on appeal. There have been some modifications in projects that allowed them to go ahead.

Under Proposition 20, the commissions received $5 million to be spent over four years, with the assumption that additional funds would come from Washington. This year the Governor blue-pencilled an appropriation for you in the state budget. What is your fiscal outlook?

Bodovitz: The sponsors of proposition 20 anticipated $2.5 to $3 million in federal funds. The commissions also have some income from fees that we charge for processing permit applications. We're guessing that will total between $1.25 and $1.5 million over four years. That gives us a total foreseeable income of $6.25 to $6.5 million, but even at present low levels of staffing, our needs are on the order of $8.25 to $8.5 million. We are essentially $2 million short, and that's the amount that was expected in federal funds. It was for that reason we asked for $500,000 for each of the four years. Actually, we've had a lot of support from the administration. Much attention was focused on the Governor's veto. But the administration helped us with money for the Attorney General for legal work for us, and they certainly helped us with the employees' pay increase. So it's not all one-sided.

What is the prospect for federal funds?

Bodovitz: There's more hope now than there's ever been. The Nixon administration has asked Congress for $5 million nationwide. The California share would be between $200,000 and $400,000. That doesn't close the gap, but there's more hope than there was before.

What about the problem of inverse condemnation — paying people for their loss in land value when you say they can't do something?

Bodovitz: The courts for a long time have upheld the right of public agencies to temporarily — and I'd underline "temporarily" — deny a property owner the right to do anything with his property while a plan is being prepared. In a rapidly urbanizing state such as California, the courts have recognized that planning is a necessity and that, if planning were to be frustrated by developers building before the planning could be completed, the planning would be useless. The courts have said that so long as there is no favoritism, as long as there's bonafide planning, you may withhold all approval for a limited period. I have no doubt the the three-year period in Proposition 20 would qualify. (I should add here that the commission has not used this legal power and is mindful of the fact that it would be a hardship on people to do it.) The problem comes once the planning is completed. Can or should you ask people to leave their land alone and not pay them for it? We're involved in some legal research on these questions of public and private rights. Generally, problems arise when a person can do nothing with his land and isn't offered compensation. The whole concept of zoning and health laws is based on the assumption that people can't do absolutely anything they want with their property, that the public good has to also be taken into account. But clearly private rights have to be respected, too.

Does this mean that eventually when you say, "No, you can't do anything with your land," you may have to find some way to buy the land?

Bodovitz: Right, and I have no doubt that out of this will come proposals for public acquisition.

What policies have the commissions made?

Bodovitz: The rhetoric of the anti-Proposition 20 campaign was that the measure would halt construction and cause chaos everywhere on the coast. That clearly has not happened. I would guess there has never been more construction in the coastal zone than there is now. Any number of projects have been approved.

The commissions have tried to say that, if a person wants to develop in a coastal area and what he wants to build is not environmentally harmful, then that's going to be okay. If there's an area of three-story residential buildings and someone want to put up another three-story building, all things being equal, that's not going to seem so terrible. But if somebody wants to build a 20-story high-rise in the same area, then I think it's likely not to get approved because I think the commissions are concerned about setting a precedent that would let other people do that.

They're also concerned that before the planning is done they not give up their options. They've been very concerned about proposals that would convert agricultural land to other uses on grounds that that's going to be an important planning issue. They've been concerned about roadway construction that could lead to growth in coastal areas. The essence is to try to manage growth and development, not to let things run wild, but not to shut everything down either.

Where have you halted projects for fear of creating a pollution problem?

Bodovitz: The one that has attracted all the attention is the case of the Aliso Water Management Agency

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in Orange County. We didn't halt that, however; we worked out a way for it to go ahead. The Aliso situation was difficult because the proposal was for a sewage outfall and the size of the outfall would have an effect on population growth in the area. The first choice would have been to wait until our planning was further along. But the area was under a cease-and-desist order from the regional water quality board because the existing outfall was polluting. With the help of the state Water Resources Control Board, and in touch with air-quality authorities and the county, and others involved, we arrived at a middle ground that everybody seemed able to accept, based on a consensus as to what population level should be planned for.

What are the goals on beach access, growth, aesthetics and the like?

Bodovitz: I think the goals come out of the cases. There's a strong goal to increase public access to the ocean wherever possible. We've tried to require reasonable access in every beach-front development. Where there have been residential developments on bluff tops with ocan views, we have imposed conditions requiring public access and vista points wherever possible connected with the beach below, so that you'd be able to climb from a beach up to a bluff top and be able to look at the ocean and come back down. Public access is a very important goal. Absolutely. Another goal is to protect options regarding agricultural land. And another is to try to see that all the new housing in coastal areas isn't just for the rich — and that's very difficult to do. If present market forces take their course, what's going to happen is that in many places the coastal zone is going to be primarily for the rich.

What's your policy on power plants?

Bodovitz: The first case was a conventional plant in Long Beach, and the regional commission approved it after very detailed study. It was appealed, and the state commission approved it with some very stringent environmental conditions.

Have you had any nuclear plant proposals?

Bodovitz: The regional commission in San Diego has approved the addition of two nuclear units at San Onofre. That's on appeal now.

What about the growth issue in Orange County?

Bodovitz: What the commission did was to deny a number of permits for large land developments right on the coastline on grounds that the commission had before it proposals to develop virtually all the open space on the coast in the southern part of the county. If you granted piecemeal permits for that, there would be, in effect, little planning left to do. And with the tremendous growth down there, there's considerable concern about public open space on the coast.

What is the situation in the courts?

Bodovitz: There are about 40 lawsuits. All but three or four of them involve claims of exemption from people who think they were so far along before the proposition took effect that they can complete projects without a permit. That's a very difficult area of the law. The fact that there are so many lawsuits on this doesn't seem so surprising to me.

On August 2nd, the state Supreme Court rendered the landmark See the Sea *decision, ruling that anybody with "substantial lawful construction" by February 1, 1973, could proceed without a permit. What has that done?*

Bodovitz: The decision is an example of how difficult this area of the law is. It was a 4-3 decision. The court, in a footnote, seemed to have abolished the good-faith argument — that if what you were doing was in good faith it was one thing, but if you rushed in to beat the deadline that was something else. The court said that developing land was such a complicated process and people work at it for such a long period of time that there is no bad-faith issue left. The concern that I have with that basic decision was that it will make it difficult, if not impossible, to prosecute violators of Proposition 20 because everybody, using the language of the court majority, will say, "It's true that I don't have a permit, but I never needed one." Everybody will claim to be exempt.

Is it true that coastal land prices have gone down because property owners may not have been able to develop land as they see fit?

Bodovitz: That seems to be a common supposition. I think it's really too early for anyone to have much of a notion. Because so many people have been issued permits, it seems to me that only certain categories of land ought to go down at all. Residential land in residential areas where people want to do what's in character with the neighborhood — it wouldn't seem to me that it should go down at all.

Are you saying that the denials get all the publicity and that there have really been a lot of permits?

Bodovitz: Absolutely.

What happens in 1976 when the commission sends its report to the Legislature and is scheduled to go out of business. Will there be a BCDC-like fight over creating a permanent agency?

Bodovitz: I would think so.

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'The quiet revolution'

"This country is in the midst of a revolution in the way we regulate the use of our land. It is a peaceful revolution, conducted entirely within the law. It is a quiet revolution, and its supporters include both conservatives and liberals. It is a disorganized revolution, with no central cadre of leaders, but it is a revolution nontheless.

"The ancien régime *being overthrown is the feudal system under which the entire pattern of land development has been controlled by thousands of individual local governments, each seeking to maximize its tax base and minimize its social problems, and caring less what happens to all the others.*

"The tools of the revolution are new laws taking a wide variety of forms but each sharing a common theme — the need to provide some degree of state or regional participation in the major decisions that affect the use of our increasingly limited supply of land."

President's Council on Environmental Quality
December 1971

1974 Legislature: Who controls the land?

BY JUD CLARK AND LANCE OLSON

For California, the "quiet revolution" has been emerging for nearly a decade, but is unlikely to remain quiet much longer. On the contrary, it is apt to be one of the most debated issues of the 1974 meeting of the Legislature.

Assemblyman Paul Priolo of Los Angeles, chairman of the Assembly Committee on Planning and Land Use, has served notice that he will lead a campaign for enactment of a bill creating a new state agency with both planning and regulatory power over land use. The same environmentalists who led the successful initiative campaign for the coastline conservation commissions a year ago are ready again to take the issue to the electorate if the Legislature fails to act. And in Washington, Congress is considering measures that would press the states to reclaim land-use powers now in the hands of local government.

Piecemeal responses

Origins of revolutions are difficult to pinpoint, but this one was clearly underway by 1965 when the Legislature created the San Francisco Bay Conservation and Development Commission to plan and regulate future use of the Bay. This was the first time that state planning and land-use controls were imposed over an area that had been the exclusive responsibility of local government. Formation of the Tahoe Regional Planning Agency in 1969 and of the California Coastal Zone Conservation Commissions last year demonstrated that the Bay commission was not to be an isolated governmental phenomenon. But these examples of extensions of state and regional controls over the traditional local-government domain have also been piecemeal responses to specific areas of concern, and so, in California as in the nation, the quiet revolution has also been the "disorganized revolution" the President's council described. Nor has it been restricted to the imposition of state control over existing local land-use powers. It has also included many new laws directing local governments to make their planning and zoning practices meet specific state standards.

In 1965, along with creating the Bay Conservation and Development Commission, the Legislature streamlined the local planning process by requiring neighboring cities and counties to review one another's plans. Two years later, a housing plan was added as a required part of the local general plan. And, in 1968, conservation and open-space planning elements were incorporated.

Momentum builds

With momentum thus building, 1971 brought the most important legislative change yet in the planning responsibilities of local government. In addition to adding several new mandatory elements — seismic safety, noise, scenic highways — the Legislature required local governments to make their land-use actions consistent with their planning efforts. Assemblyman Leo McCarthy of San Francisco carried legislation aimed at strengthening regulation of developers' plans to carve up the rural areas of the state into second-home lots. The new laws provided that cities and counties could not approve a tentative or final subdivision map inconsistent with their general plan and that local zoning ordinances and variances must also conform to the general plan.

Last year, the courts played the most important role in the environmental revolution. In September, the Cali-

The authors are members of California Research, a Sacramento consulting firm specializing in state government policy issues and publishing the State Coastal Report *and the* Environmental Reporting Service. *Liz Wilkins of CR provided research assistance.*

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fornia Supreme Court issued the now-historic decision in *Friends of Mammoth* vs *Mono County Board of Supervisors*. The court found that the California Environmental Quality Act adopted by the Legislature in 1970 with the generally held view that it applied to public construction projects, applied also to private projects [*CJ*, November 1972, p. 324]. As a result, local governments have had to prepare "environmental impact reports" on each of the thousands of projects they approve each year.

De facto controls

In short, a new and for the most part unforeseen wave of what amounts to land-use controls, federal as well as state, are emerging as logical extensions of environmental regulatory programs to clean the air and water. Such extensions are not new. The interstate highway system was largely responsible for awakening many conservation groups to the need for state land-use planning to resolve conflicts that developed — San Francisco's notorious freeway revolt, for example. (In another well-known case, two state commissions — highway and parks — were pitted against one another over a proposed highway through a state park.)

The practice of having local assessors evaluate property at its most productive use, which may not be its actual use, has also been an unforeseen way of making *de facto* land-use planning decisions. To offset some of the disruptive growth-inducing aspects of this assessment policy, the Legislature in 1965 adopted the Williamson Act. It permits reduced assessments principally on agricultural and other undeveloped land to reduce the incentive to put the land to its "highest and best" use — say, a subdivision in an olive orchard.

Shifted emphasis

In contrast to the older forms of *de facto* land-use policies, the new requirements are certain to inhibit, or at least to channel, future growth. These new controls also differ in that they are federal- as well as state-inspired and are emerging from environmental regulatory efforts, not construction programs or assessment practices.

The Federal Clean Air Act Amendments of 1970, which aimed to clear the nation's skies within the decade, involves federal, state and local agencies in deciding on how to use land, and it is doing so without specific legislative authority. Here's how: To reach the act's clean-air goal, stringent emission-control standards were placed upon new automobiles, and states were ordered to develop plans to see that these standards were met. So far, the act has inspired two notable federal court decisions, which resulted from lawsuits sponsored by conservationists:

- The court ordered the Environmental Protection Agency, which has jurisdiction over the clean-air act, to adopt regulations preventing a significant deterioration of air quality in areas where the air is already cleaner than federal standards require.
- The court also ordered air-pollution-control agencies to prevent construction not only of such direct sources of pollution as a power plant or a cement factory but also of such complex indirect sources of air pollution as shopping centers, sports complexes and highways.

As a result of these actions, the state Air Resources Board and local air-pollution-control districts, which were not created to consider the use of land, have been forced to decide whether to act or lose authority by default to the federal agency.

The state Water Resources Control Board has not been so reluctant to act. In 1971, the board used its authority to ban new sewer hookups unless waste-discharge standards were met. This policy served to check premature growth. This year, the board adopted what amounts to a land-use policy based on its authority to approve state and federal grants to improve local sewage-treatment systems. It ruled that the 87½ percent subsidy would not go to sewage systems in major air basins where clean air standards were being violated until the population growth rate was brought to a bare-replacement level, with no gain from migration. Though the goal is to clean the state's streams, the board recognized that by subsidizing improved sewage-

Who needs a state land-use bill?

Support for a stronger state role in regulating land use has traditionally come from conservationists, planners and civic organizations. But piecemeal actions imposing stricter zoning laws and environmental standards, coupled with a sharpened public awareness of environmental relationships, is bringing support for such a change from an unexpected quarter: development interests — realtors, contractors, building trade unionists and financial institutions. They are finding that a side-effect of these new policies is to make land development even more costly and to reduce the supply of buildable land.

This recognition prompted many representatives of these interests to support legislation enacted last year that imposed strict environmental impact requirements on proposed developments. A prime reason for this support was the view that the real danger lurked not in having to comply with the standards but in the uncertainty that would exist if the state failed to enact them. A stronger state land-use agency, which would identify buildable land while defining areas that would be off limits, is thus seen as offering potentially similar advantages.

As a result, some differences of opinion are for the first time becoming apparent in what has hitherto generally been a unified, pro-development bloc. Dick Ratcliff, lobbyist for the California Bankers Association, says the question is not *will* the state develop a stronger land-use policy, but *when*. The main concern of contractors, developers and finance institutions, Ratcliff maintains, involves stability. "Developers have a long-term interest in knowing what they can and can't do," said Ratcliff.

But Dugald Gillies, lobbyist for the California Real Estate Association, questions whether shifting responsibility from local government to state government will necessarily improve anything. "What is the difference between a state bureaucratic highway department and a state bureaucratic land-use commission?" he asked. The landowner who has an investment in buildable land should not bear the full cost of a non-development policy, Gillies argues. "The state should buy development rights," he says. "The cost of preservation must be socialized."

But for Don Benninghoven of the League of California Cities, "There is a real need for a state land-use policy. Developers need it just as much as conservationists, cities as much as the state."

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treatment facilities in such areas it was also encouraging the devastating growth spiral [see *CJ*, July 1973, p. 224].

Local government, with its primary planning and regulatory tool of zoning, has been a ready target of conservationist critics in government and out. The President's Commission on Environmental Quality put the case simply:

> It is this realization that local zoning is inadequate to cope with problems that are statewide or regionwide in scope that has fueled the quiet revolution in land-use controls.

Local government officials are quick to point out, however, that the state is far from having its house in order. It has often overlooked local concerns in carrying out its single-purpose planning, they charge, and has added responsibilities without passing along the power to execute them.

Recent state requirements concerning local-government planning functions and environmental-impact-report requirements have also placed heavy financial and time-consuming burdens on cities and counties at a time when they have been facing severe financial constraints.

Congressional pressure

One other important factor is encouraging states to reclaim many of the planning and regulatory powers they previously ceded to local governments. A Senate bill now before Congress, S 268 by Senator Henry Jackson of Washington, would provide grants of $100 million annually over eight years to states to help pay for land-use planning. [See "Can states live with Congress' land-use bills" p. 384.]

Senator Jackson had originally proposed that states not establishing land-use programs lose various other federal grants. Though this penalty was dropped before S 268 cleared the Senate, it remains in a House land-use bill. With or without the sanction, passage of such a grant program would further focus attention on California's "quiet revolution".

Priolo's plan

With that same goal in mind, Assemblyman Priolo, chairman of the Assembly Planning and Land-Use Committee, has proposed creation of a new state agency with both planning and regulatory powers over use of land. In past years, several legislators have introduced bills creating statewide planning commissions, but these measures did not get the kind of attention the Priolo measure has received, and eventually fell by the wayside. As now proposed, the state Land-Use Commission, consisting of five full-time members with specified experience appointed by the Governor to serve four-year terms, would replace the state Lands Commission and assume some of the functions of several state agencies.

- The Office of Planning and Research, whose principal responsibility has been to serve the Governor and constitute a comprehensive state planning agency, would lose most of its functions in this area.
- The state Real Estate Commission would lose its authority over subdivided lands.
- The state Mining and Geology Board would yield its responsibilities concerning delineating the state's fault zones.

The proposed commission would have two major responsibilities:

Planning. The commission would prepare a comprehensive state land-use plan to submit to the Legisla-

CALIFORNIA LAND-USE PLANNING AND REGULATION

STATE ADMINISTERED

1867: State Lands Commission created with principal task of dispensing public lands.

1893: Subdivision Map Act passed to force an accurate record of land transactions.

1937: State Planning Board created to coordinate state planning efforts.

1947: Planning Act replaced by Planning and Conservation Act; state Conservation and Planning Board is established.

1951: Planning and Zoning Law replaces Planning and Conservation Act. State Conservation and Planning Board abolished.

1959: State Office of Planning established to prepare a state development plan.

1965: San Francisco Bay Conservation and Development Commission created to plan and regulate future use of the Bay.

1967: Tahoe Regional Planning Agency adopted to plan future of the Tahoe Basin.

1969: Bay Conservation and Development Commission made permanent.

1970: California Environmental Quality Act is adopted, requiring environmental impact reports on construction projects having a significant adverse effect upon the environment.

Office of Planning and Research, replacing State Office of Planning, is charged with developing a state environmental goals and policy report.

Ventura-Los Angeles Mountain and Coastal Study Commission created.

1972: California voters approve Proposition 20 creating the California Coastal Zone Conservation Commission and six regional commissions to plan and regulate the state's coastal zone.

LOCAL MANDATED

1907: Subdivision Map Act amended to require local governments to approve subdivisions.

1929: Federal guidelines integrating subdivisions of land into local government master plan adopted as State Planning Act. County planning commissions required to develop master plans.

1943: Subdivision Map Act amended to give cities and counties power to control design and improvement of subdivisions.

1947: Planning Act replaced by Planning and Conservation Act; cities now required to adopt master plans.

1957: County assessors allowed to consider zoning influences on property values.

1959: Scenic Easement Deed Act allows local governments to buy development rights to land.

1963: Local Area Formation Commissions created to reduce proliferation of special districts.

1965: Land Conservation or Williamson Act permits local governments to contract with property owners to preserve agricultural lands through tax relief.

1967: Housing element required in general plans.

1970: Conservation element and open-space plan added to general-plan requirements.

1971: Seismic safety, noise, scenic highway, fire protection and geological hazard elements added to plans.

McCarthy second-home subdivision package adopted requiring zoning ordinances and variances to be consistent with the general plan.

1972: State Supreme Court rules in *Friends of Mammoth* that California Environmental Quality Act applies to private projects. Legislature adopts AB 889 requiring local governments to prepare impact reports on locally approved projects in accordance with state guidelines.

1973: Legislature amends McCarthy subdivision package to provide that general plans may not be amended more than three times a year.

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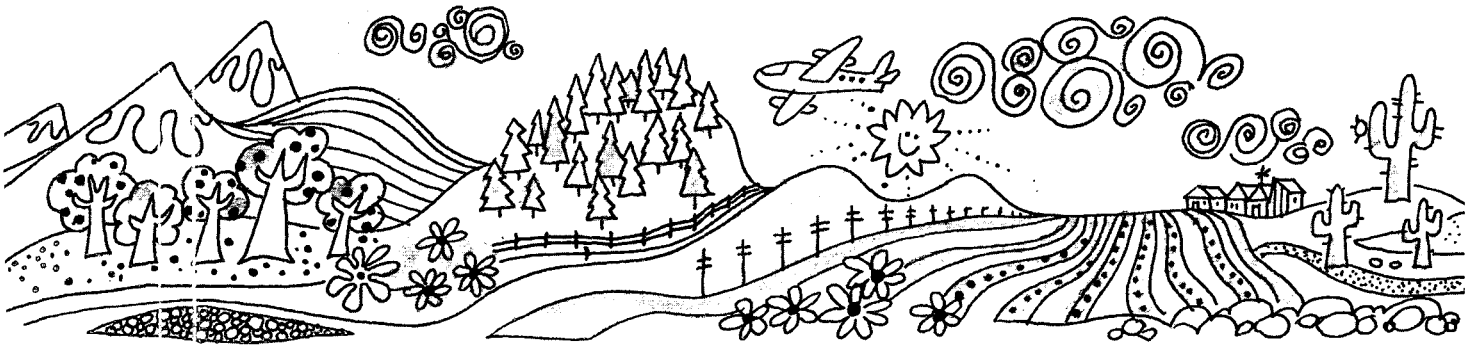

ture in 10 years. It would include policies and guidelines for preserving prime agricultural lands, encouraging balanced development on marginal lands, determining use of land around potentially hazardous developments or key facilities, coordinating single-purpose planning projects that, in effect, create land-use policies, and deciding on optimal use of land proposed for development.

Regulation. The commission would also have power to designate areas of "critical state concern". This is a concept contained in a model law on regulating land-use drafted by the American Law Institute in an effort to put the state into land-use regulation only when the proposed development has more than local significance. "At least 90 percent of these cases, it estimates, "have no major effect on the state or national interest."

'Critical concern'

The concept of critical concern is included not only in the Jackson bill, but also in the laws of several states, including Colorado and Florida. The Florida law, on which Priolo's measure is patterned, limits the amount of acreage that can be designated as a critical area of concern to five percent of the state's total. (Governor Reagan, too, has accepted the concept of state involvement in areas of critical state concern. It is used in his Office of Planning and Research's recent *Environmental Goals and Policy Report.)*

Paul Priolo

The commission could designate an area of the state as being of critical concern if it could be environmentally harmed by development or contains a "key facility" — any public or private facility that tends to induce development and urbanization (including power plants, airports, rural subdivisions of 50 lots or more, large commercial buildings, sports complexes, any portion of the Federal Interstate System or State Freeway System, ports and specified mining operations).

By December 31, 1976, the commission would designate the geographical areas it judges to be of "critical state concern" and adopt policies, guidelines and regulations relating to their use and possible future development.

Local governments having jurisdiction within an area of critical concern would be required to submit for review any existing plans and regulations for the area. In case of a conflict, the commission's standards would prevail. The Land Use Commission would be empowered, under Priolo's proposal to issue cease-and-desist orders if its policies or regulations were violated. Any "aggrieved person" who believes that a public agency violated the commission's rules could appeal to the commission.

Beyond its obvious role of planning and regulation, the commission would also have responsibility for coordinating the functions of public agencies involving land-use planning and control.

The question that will be posed by introduction of Priolo's measure is whether the issue of the state's role in land use can be resolved through the Legislature. For three years, after all, the contending interests — conservationists and the state's commercial community — failed to agree on legislation to provide for planning and development of California's coastline. The conservationists' success in using the initiative to outflank their opposition makes that again an option in the impending political negotiations.

Janet Adams, executive director of the California Coastal Alliance, which managed the coastal initiative, has already threatened to use the initiative if the Legislature fails to deal with the issue. However, conservationists have already formed a loose coalition to begin work on what an acceptable bill should contain in preparation for the eventual hearings. Adams indicated that the form of the measure may be very different from what was contained in Proposition 20, the coastline initiative. "We've learned a lot from watching the commissions," Adams said. "I think a state land-use bill should be structured very differently from the coastal commissions. A state land-use plan must be implemented by local government."

Many of the organizations that found themselves on the other side of the coastline issue have already indicated their intention to be active participants in the development of state land-use legislation. The California Chamber of Commerce has adopted a policy calling for establishment of not only a state land-use commission but of regional planning commissions as well. Commented Don Benninghoven, executive director of the League of California Cities, which is in the process of developing its policy on state land-use planning: "Cities and counties are not going to hide under home rule."

Potential consensus

Such early expressions from the chamber and the league are not new. The chamber supported the concept of coastal regulation, but not the bill conservationists sought. And although the league didn't hide behind home rule, the concept provided a welcome refuge for some legislators.

There are promising signs, however, that the fight that led to Proposition 20 may not be repeated. For one thing, there is a growing awareness among conservationists, labor unions, construction and developer interests, financial institutions and local governments that land use is the basic issue underlying many other environmental, economic and social problems.

Perhaps more important is the recognition that there has been a shift in political leverage. Since *de*

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——Can states live with Congress' land-use bills?——

By WILLIAM LIPMAN

WASHINGTON — Few proposals in Sacramento generate more controversy and complexity than bills strengthening the power of government — state or local — to plan and control land use and development. The two major planning bills now before Congress are guaranteed not to disappoint anyone in these respects. Unfortunately, if enacted, they may disappoint their sponsors and supporters, as well.

Both SB 268 (Jackson) and HR 10294 (Udall) constitute elaborate, intricately detailed responses to a variety of environmental problems, most of which are well known to Californians — freeway and powerplant siting, massive subdivision and land sales in rural areas, "slurbanization", among them. In not wholly identical ways, these two measures conclude that it is in the national interest to urge (the Jackson bill) or force (the Udall bill) the states to do something. They aim at getting the states to develop and enforce statewide and regional plans for controlling land use and development on the scale, for example, of California's coastal commission, the San Francisco Bay Conservation and Development Commission and the Tahoe Regional Planning Agency, among other such entities.

Each bill requires a state to establish a powerful state planning agency empowered to devise and administer a comprehensive land-use planning process, a beefed up version of the State Planning Act. Beyond that, however, the state's planning and regulatory powers become paramount, and it is up to the states to decide whether to delegate these powers to local agencies or exercise them directly.

Sanctions on states

Perhaps the most debated feature of this legislation has been the concept of reducing federal grant allocations for highways, airports and open space if a state refuses to comply with federal planning requirements. Though narrowly defeated on the Senate floor, this provision remains in the Udall bill. It may be that most states won't take the legislation seriously without such sanctions, but the exhaustively detailed process, complex coordinating machinery, and formidable staff and funding requirements may make compliance incredibly difficult under the best of circumstances.

The real problem with the Jackson-Udall approach is less apparent and more fundamental than routine analysis may suggest. The basic shortcoming is that, in saddling the states with enormous responsibilities, this approach obscures or ignores the national character and scale of the land-use problems the individual states are asked to solve. This shortcoming is exemplified now by the problems these two bills have had, and continue to have, in reconciling their prescriptions with those contained in the existing Coastal Zone Management Act and pending legislation governing deep-water ports, strip-mining and the siting of nuclear power generation facilities. All of these developmental issues are ostensibly to be dealt with by the comprehensive land-use planning process called for in the two bills. Their legislative history makes plain, however, that land-use planning legislation will not infringe on these policy areas. The underlying reason is that these specific issues are, for various reasons, infected with an overriding national interest, and the exclusions indicate Congress' unwillingness to trust the ability of the "junior partners" in the federal system to come up with right answers to the questions they pose.

Implications

The point is that many of the remaining land-use and development problems that these bills direct the states to handle will also become so infected with a national or multistate regional interest as to require intervention in their solutions by the "senior partner". This can come about as the result of either greater awareness or technological imperatives. For example, if environmental and economic consequences justify federal certification-licensing of deepwater ports, it is not unlikely that the same reasoning will be applied to the timing and location of "new towns" of 100,000-250,000 population. New developments in the technology of high-speed mass transportation and nuclear-power generation could easily exert inexorable pressures on regional growth and structure, and demand federal intervention.

The monumental commitment of resources required for states to carry out a "good faith" effort, the explosive issue of reallocating planning and regulatory powers among state and local government, and the almost certain federal intrusion into or preemption of one realm of development policy after another raise questions about the measures' effectiveness — however important the need to guide growth and development throughout the nation.

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facto state land-use planning is now inhibiting rather than inducing growth, economic considerations are clearly weighing on the side of passage of a bill. If this realization again converts the commercial community into active supporters for the passage of a bill, as was the case for a clean-up bill setting up environmental-impact guidelines in the wake of the *Mammoth* decision, the result may be a consensus for a state land-use bill.

Priolo, by circulating his proposal prior to its introduction, is attempting to reach a consensus within the Legislature. He has scheduled a series of hearings this fall to solicit views on it and expects to follow up with a conference for major participants.

Another forum for consensus is being pursued by the Planning and Conservation League. Bill Press, PCL Executive Director, believes that broad support now exists outside the environmental community for the concept that state land-use planning is a shared problem of conservationists and the business community. To help define the problem, PCL seeks to sponsor jointly with the state's leading businessmen a major survey of land-planning practices in California.

Whether these expressions for a consensus solution will result in a cooperatively drafted bill or the traditional shoving match remains to be seen. As one of the interested parties, a bank spokesman, observed: "This is the kind of issue that when you get into the Legislature they want simple answers. And there aren't any."

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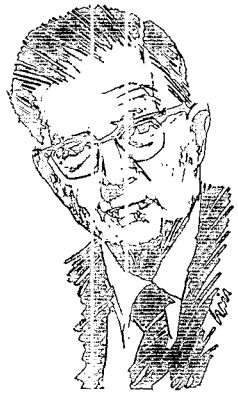
End of equal-campus concept for UC

The University of California consists of eight separate general campuses — separate, but far from equal. And if President Charles Hitch gets his way, University development funds will be spent in such a way that six of the campuses will never match Berkeley and UCLA in size, number of professional schools and, thus, in prestige. Responding primarily to prospects for a markedly reduced rate of student growth, Hitch is promoting a long-range development plan that would prevent UC campuses in Davis, Irvine, Riverside, San Diego, Santa Barbara and Santa Cruz from reaching existing goals, set for them by the University administration and, especially, by the chancellors and faculty members of the six institutions.

The Hitch plan looks like capitulation to the Reagan administration, which has been pressing Hitch for years to effect major economies by centralizing resources at Berkeley and Los Angeles and making the other installations their satellites. But Jay Michael, a University vice president who represents UC before the Legislature, claims that the Hitch plan doesn't go nearly as far as Governor Reagan and state Finance Director Verne Orr would like. Michael emphasized that the Hitch budget for the next fiscal year calls for a state appropriation of $497 million, an increase of $45.5 million. There is little chance that Reagan will accord the University this much of an increase, if his record is any indication. During the Reagan years, University appropriations have slid by comparison to the state colleges, which for the first time last year received more money from the state than UC. There is no indication yet that the Governor will have a change of heart next January when he sends his 1974-75 budget to the Legislature.

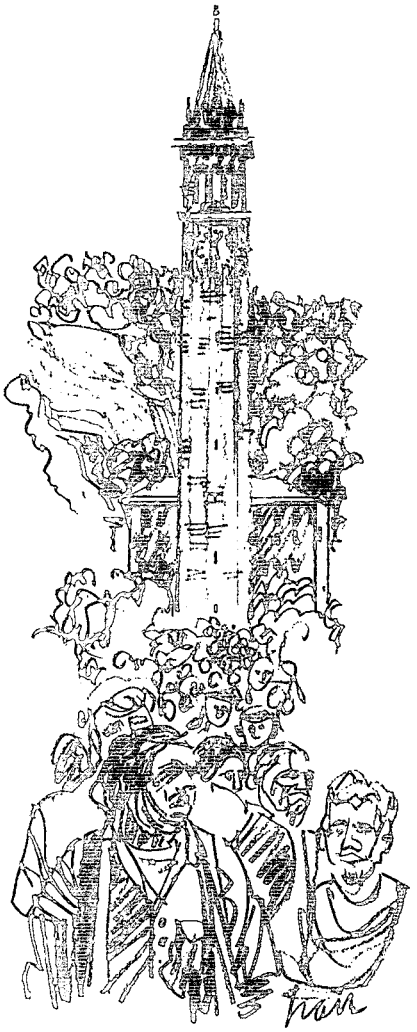


Charles J. Hitch

Dream of equality

In the early 1960's, the University envisioned development of a dozen or so campuses of equal size, academic breadth and, perhaps, prestige. That dream has faded rapidly. Among the reasons:

- Reagan's election in 1966 and his administration's institution of tight-budget policies, which hit the University especially hard.
- The departure in early 1967 of UC President Clark Kerr, chief architect of the expansionist policy.
- Student revolts, which fostered at least temporary disenchantment with the University.



- Imposition of tuition and fees that now total more than $600 a year, sufficient to reduce enrollment.
- An end to the "middle-class education syndrome" requiring that youngsters get the best college education available.

To Orr, the University's long-range projections that spawned the expansion plan were based on faulty mathematics. The statistics of University growth since 1900, he explained, show that enrollment doubled about every 10 years. By 1970, that growth rate outstripped the number of qualifying high-school graduates.

In the last three years, UC enrollment has increased only from 100,000 to an anticipated 108,000 this year. In contrast, the 19 campuses of the State University and Colleges system, with minimal faculty research and lower admission standards, and fees totaling only about $100 a year, grew from 197,000 to 233,000 over the same period (also a smaller increase than had been anticipated). Orr attributes the slowdown in part to the economics of the employment marketplace. "Nowadays a plumber earns $18,000 a year and a teacher $13,000," said the finance director. "An awful lot of people are asking themselves why they should send their kids to college when they can make more money by learning a trade."

Presenting the slow-growth plan to the Regents, Hitch warned that some programs would have to be curtailed and some professors shifted to save money during the current inflationary period. One campus in deep trouble is Riverside, which is so unpopular with prospective students that there have been recurrent rumors that the campus would be downgraded to

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How UC was supposed to grow

The following table shows when each University of California campus was founded, the 1960 plan for eventual enrollment and the approximate current student population. Three of the campuses — Santa Cruz, Irvine and San Diego — were supposed to attain equality with Berkeley and Los Angeles. Under current proposals by UC President Charles Hitch, the smaller campuses will not be allowed to grow rapidly and, presumably, will never approach the 1960 goals.

Campus	Year founded	1960 goal	Current enrollment
Santa Barbara	1944	15,000	11,500
Berkeley	1873	27,500	29,000
Davis	1905	15,000	15,000
Riverside	1907	10,000	5,000
San Diego	1912	27,500	8,000
Los Angeles	1919	27,500	30,000
Irvine	1961	27,500	8,000
Santa Cruz	1961	27,500	4,500

Sources: University of California

limited-purpose status (smog and agricultural research) akin to the San Francisco Medical Center and the tiny Mount Hamilton Observatory. Lobbyist Michael says there is no question that faculty members will be transferred from Riverside to other campuses.

The proposal was developed over an 18-month span by a board headed by C. O. McCorkle, vice president of the University. The panel recommended that for the first time there be different student-faculty ratios for Berkeley and Los Angeles, 16.5 to 1, than for the other six campuses, 18 to 1. Another key recommendation was that Berkeley and UCLA should be able to enlarge their libraries at a more rapid pace than the other six. The library plan especially upset Chancellor Dean E. McHenry of Santa Cruz, who had worked closely with Kerr in developing the expansion program. McHenry said that more should be done, not less, to make books accessible to the smaller campuses. Unsorted books, he reported, are piling up in a Richmond warehouse — and thus not available to students — because Berkeley has run out of shelf space.

The UC library system had been a particular target of the Reagan administration, which issued a highly critical report supposedly showing how major economies could be made. The Reagan proposals were ridiculed by UC officials, who charged that the Governor was attempting to balance the state's budget by selling off the University's rare books. Michael claims that the University is not willing to go nearly so far as the Governor would like in consolidating library facilities. But Orr tells a different story: "They pooh-poohed our report out of hand and then came up with their own report — and it had almost the same recommendations as ours." The key issue is not whether rare books will be sold — that was only an option considered by finance department auditors — but rather whether full-fledged research libraries will be maintained on all campuses or just at Berkeley and UCLA. As Orr sees it, Hitch seems to have come around to the Governor's way of thinking.

Orr expects to tangle with Hitch as usual this year over the size of the University's appropriation. But he agrees completely with the new slow-growth policy. "There just is not room for eight research institutions," he emphasized. "There is no way you can make Santa Barbara, for example, into a research institution. The University administration is now facing up to it — far sooner than the faculty. This means the death of the dreams of a lot of faculty members who envisioned themselves becoming heads of departments and new professional schools."

Just the opposite view is being taken by chancellors on the six campuses and by faculty members. Some reactions:

- Arthur Kip, chairman of the statewide Academic Council, declared, "Faculty morale, a fragile thing at best, and, with it, student morale, cannot long withstand the fact or threat of second-class treatment."
- Chancellor McHenry, who would see his modern Santa Cruz campus scaled down from a proposed 27,500 to 7,500 students, proclaimed his loyalty to the president but added: "Santa Cruz cannot prosper without better balance. We need one or more professional schools. Some resources at Berkeley and Los Angeles may have to be transferred if we are to be full-fledged, intact University units."
- Chancellor James H. Meyer of Davis criticized the plan in a "state of the campus" message to student representatives. The student-teacher ratio at Davis, he said, should be 17-to-1 instead of 18-to-1.

Unresolved issues

Indications are that the Hitch plan, perhaps with some modification, will be put into effect. Preliminary groundwork had already been laid by the Regents, and the proposal meets the goals for the University sought by the Reagan administration. But key issues remain unresolved for the individual campuses:

Berkeley. Will other campuses, notably Santa Cruz, be successful in their efforts to obtain programs and professors now at Berkeley?

Los Angeles. Will official designation of UCLA as the premier campus of Southern California allow it to gain a national academic reputation comparable to Berkeley's?

Riverside. Will the University make a real effort to revive UC Riverside?

Santa Barbara. Will the campus get the professional program it seeks in speech therapy, child development and business economics, and can it resume its drive for a law school?

Davis. Will an effort be made to expand the campus, which is already near its planned size and has obtained law and medical schools, because it is proving to be extremely popular with students?

Santa Cruz, San Diego, Irvine. Will influential politicians representing these areas seek to scrap the new policy so that these campuses can seek equality with Berkeley and Los Angeles?

The Berkeley campus, which has lost 300 faculty positions in the Reagan years through budget cuts, would resist efforts to shift programs to these campuses.

What will happen, however, 14 months from now when the Reagan administration will come to an end? If the new Governor is a Democrat, or even a Republican with a different view of University funding, the pressure for higher tuition could be relieved, and there could even be some reductions. New appointees to the Regents could give the University administration a different perspective. Under these conditions, especially with political pressure from the areas with the smaller campuses, it is possible that a new era of expansion could be launched and University planning could return to achievement of Clark Kerr's vision of eight or more campuses — separate *and* equal.

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Summary of major bills vetoed

Governor Reagan didn't veto an abnormally large number of bills this year. It just seemed like it. The passage of Proposition 4 last year gave the Governor only 12 days after receiving each measure to decide whether to approve or reject it. In prior years, Governors were given 30 days to decide, and Reagan, complaining that the 12-day limitation placed an extreme burden upon him and his staff, urged that the 30-day period be restored.

As a result of the 12-day limit, however, vetoes that used to be announced over a month's time burst into print this year in large volumes over little more than a week. Reagan vetoed 172 bills, only 10 more than last year:

- *Vetoed* — 107 Assembly and 65 Senate bills.
- *Signed* — 1,214 measures.
- *Enacted without signature* — 1 (AB 2572, Brown, authorizing construction of a new Capitol).

Several of the rejected bills cover a single subject: additional retirement benefits for public employees. The Governor said he killed these measures because of their cost and crazy-quilt pattern of legislation in the field, but he promised to support a pension-benefit package in 1974.

Many of the vetoed bills were included in the *Journal's* summary of major legislative action, which appeared in the October issue, and this summary of vetoes completes the compilation of 1973 legislation. There is little chance that the Legislature will summon the two-thirds majority vote needed to override any of the vetoes.

A listing of the key bills vetoed follows, with excerpts from the governor's explanation of his action printed in smaller type.

EDUCATION

Student. Would add a student member to the Board of Trustees of the California State University and Colleges, SB 1168 (Marks).

> Faculty and students are now provided full opportunity to be heard and to participate in discussion during trustee meetings. This bill would limit opinion to a single representative to no advantage to students in general.

Athletics. Would require school officials to apportion athletic program funds equally between male and female students, SB 1227 and 1228 (Dymally).

> I do not believe it is the proper role for the state to tell local school boards what type of competitive athletic programs they should offer. I personally agree that meaningful, competitive sports should exist for both male and female students. However, this decision must be left up to local control.

School meals. Would require school districts to seek federal and state funds so that students can obtain nutritious breakfasts and lunches each schoolday, SB 1264 (Moscone).

> I fully agree with the legislative intent of this measure that no child should go hungry. However, it would be wrong for the state to deny local districts the ability to establish funding priorities in accordance with their needs and concerns.

Educational opportunity. Would appropriate funds on a continuous basis to help needy persons go to college, AB 361 (Brown).

> It is inappropriate to establish such programs on a permanent basis without regular legislative and executive review.

Higher education. Would replace the current fixed master plan concept for higher education with a continuous planning process and establish functions of various elements of higher education, AB 2585 (Vasconcellos).

> I generally agree with the purpose and intent of this legislation. However, I feel the new California Postsecondary Education Commission, established by AB 770 this year, should take as its first responsibility reestablishment of the educational functions of the various segments of higher education.

Teaching assistants. Would appropriate $1.2 million for pay increases for teaching and research assistants at the University of California, AB 1402 (Meade).

> Salaries for these two groups of employees are already above like salaries at comparable institutions.

Teachers. Would give teachers collective-bargaining benefits without specifying the right to strike, SB 400 (Moscone).

> While SB 400 is silent on the subject of strikes, it contains no specific prohibition against them. The teacher organizations sponsoring this bill all favor "legalized" strikes by teachers. We can only assume . . . that this questionable goal will be pursued. . . . SB 400 obviously serves the personal interests of teachers, but it does not address itself to the welfare or educational needs of our children.

Sex education. Would protect teachers from losing their jobs for failure to follow parental notification procedures in the state's sex-education law, AB 1177 (Fong).

> To my knowledge, there has been no suspension or revocation of a teacher's credential as a result of existing law. . . . There is no justification in making further changes in this area.

ENVIRONMENT

Animals. Would prohibit release of wild animals in California that are neither native to the state nor domesticated here, SB 187 (Moscone).

> The bill would appropriate $60,000 from the Fish and Game Preservation Fund . . . . California hunters, sport and commercial fishermen should not be required to support the cost of protecting non-native wildlife.

Wildlife. Would appropriate $1 million from the general fund for expansion of non-game wildlife programs, AB 943 (Thomas).

> No compelling reason has been advanced why functions of the Department of Fish and Game should be funded from the general fund. . . . If the fee and tax schedules providing revenue to that [fish and game preservation] fund are inadequate, they should be changed, but not at the expense of the general taxpayer.

Smog. Would create the South Coast Air Pollution Control District for the Los Angeles region, AB 2283 (Moretti).

> The act of changing responsibility for air quality in the South Coast Basin, which would be accomplished by

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this bill, would create another segment of government with the authority to levy taxes. . . . I cannot approve a bill of this magnitude until there is some evidence that the taxpayers will receive their money's worth in reduced pollution.

Board reorganization. Would require that the appointive board of the Bay Area Air Pollution Control District be replaced by one that contains 13 elected and 9 appointed directors, AB 2467 (Brown).

The current structure of the district provides effective representation of the people. No compelling reason has been advanced to support the changes proposed by this bill — including the substantial additional costs to the taxpayers of California.

Energy. Would establish the state Energy Resources Conservation and Development Commission to rule on location of new power plants and other energy issues, SB 283 (Warren-Alquist).

For four years, my administration has worked for the passage of a power-plant-siting bill. The bill before me now, however, is an unfinished product which was denied the benefit of committee hearings in the Senate. The bill is a massive proposal which still contains many unacceptable details that would have been worked out if it had been given the full hearing process. It includes a new tax to produce $32 million annually just for one part of the new operation. It would duplicate many functions currently being performed by a number of state agencies. The bill contains an appeals procedure which would make the new process subject to delays that could defeat the purpose of the act, namely speeding the approval of power-plant sites . . . . I am hopeful the Legislature will approve and deliver to my desk early next year a workable power-plant-siting bill.

FISCAL AFFAIRS

Transportation budget. Would give Legislature control over nonconstruction elements in the Department of Transportation budget, SB 695 (Alquist).

From the standpoint of sound fiscal management, this proposal creates a difficult situation. The [highway] commission would not know whether there would be sufficient staff available to administer such a [construction] program, nor would they know whether adequate funds would be available to maintain such projects when completed.

Utility audits. Would require the Public Utilities Commission to audit every major utility firm every three years for property-tax purposes, SB 389 (Alquist).

A two-year pilot program to perform regular audits . . . is under way. To expand this program . . . before it has been fully evaluated would not be in the public interest.

Retirement. Would increase cost-of living adjustments in Public Employees Retirement System, SB 350 (Lagomarsino).

Omnibus legislation which will include cost-of-living provisions will be introduced early next year. . . . The bill is estimated to cost some $33 million a year.

Blood. Would allow taxpayers to take state income-tax deductions of $30 a pint for blood donations, AB 881 (Keene).

Whenever a dollar value is placed on the donating of blood, there is a greater tendency of some individuals to misrepresent their medical histories in order to assure their acceptance as donors. This provides an extremely dangerous and harmful situation for patients.

HEALTH AND WELFARE

Mental hospitals. Would prohibit the state Department of Health from closing any mental hospitals without specific legislative approval, AB 855 (Burton).

The requirement . . . is incompatible with the separation of responsibilities between the executive branch and the legislative branch of state government.

Nursing homes. Would require the Department of Health to establish rates for nursing homes based on quality of service, AB 1603 (McCarthy).

The proposed system would increase costs significantly . . . without adding any assurance of better quality and quantity of service to the patients.

Prophylactics. Would allow the sale of prophylactics through machines in public restrooms, AB 1179 (Beilenson).

Although I am sympathetic to . . . the bill's purpose of providing additional assistance in the control of venereal disease, I believe it would permit an indiscriminate access to prophylactics which would not be in the public interest.

MISCELLANEOUS

Consumer contracts. Would require that businessmen advertising in Spanish make contracts available in Spanish, AB 212 (Alatorre).

AB 212 in its present form would go far beyond the author's intent of insuring a fair marketplace. . . . If a significant number of television, radio, newspapers and other businesses were forced by financial considerations to eliminate their Spanish-language advertising in the Spanish-language media, the harmful effect on these important institutions would be obvious.

Farm workers. Would extend unemployment insurance to agricultural workers, AB 255 (Fenton).

Earlier this year, representatives of my administration urged passage of a national unemployment insurance system for farm workers. Unfortunately, the Congress has not acted. . . . This measure would have the effect of increasing food prices for California consumers.

Incumbents. Would allow incumbent office-holders to place on the ballot additional words to describe their offices, AB 2092 (Karabian).

The changes proposed by this bill are unnecessary. Present law already provides the incumbent with a more-than-adequate ballot identification.

Pickets. Would repeal the so-called Simpson Act making it a misdemeanor to picket within the state Capitol, AB 964 (Brown).

This law was not enacted . . . to harrass any specific individual or group of individuals. . . . The purpose of this law is to keep the Capitol halls free from obstruction so that citizens who are conducting business with legislators and government officials can do so without fear or intimidation.

Indian centers. Would establish 20 California Indian Education Centers and appropriate $1.6 million for their operation, SB 1269 (Moscone).

The majority of the services to be provided by the centers are presently available or may be provided through a number of existing programs.

Housing. Would authorize the issuance of $300 million in revenue bonds and $200 million in general obligation bonds for the construction of middle- and low-income housing, AB 1152 (Chacon).

I share the concern of the state Treasurer that an additional use of California's credit capacity to finance housing programs may jeopardize the state's recently acquired AAA bond rating, which will result in substantial savings to the state. . . . This bill provides for loans of up to 100 per cent of project cost. Because such loans are relatively high in risk, I am concerned that the finance agency might at some time have to call upon the general fund to maintain its solvency.

Residency requirement. Would prohibit local governmental agencies from imposing residency requirements on employees, AB 2223 (Berman).

There are many positions in government which must be able to respond in a given time in emergency situations. The ability of local government to effectively respond to emergencies must be protected.

Distilled spirits. Would force rectifiers and manufacturers of so-called house-brand bottled goods to change their methods of operation, SB 1067 (Zenovich).

The end result of such a change would be that the consumer price . . . will be increased. . . . It is possible that this legislation might force some distilled-spirit rectifiers to totally eliminate their sales to retailers.

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L.A. Times drops its 'habitual endorsement' of political candidates

Describing itself as "increasingly uncomfortable" with the practice of routinely endorsing candidates for President, Governor and U.S. Senator, the *Los Angeles Times* announced that it will no longer do so. "We believe that the wide public exposure of the candidates for the top three partisan offices makes our judgment on these dispensable," *The Times* editorialized. "Our readers have more than ample information on which to make up their own minds."

The newspaper reserved the right to make such endorsements "under exceptional circumstances," however, and will continue to make recommendations "for other offices and issues".

The Times explained its change of policy as an attempt to strengthen its credibility in the minds of its readers. "Though we insist on strict severance between the editorial views of the paper on the one hand, and news coverage and news judgment on the other, the two tend to become confused in the minds of some readers. They find it hard to believe that this newspaper's editorial page endorsements really don't affect the news columns. This is especially so when this paper endorses a candidate in those elections that arouse the sharpest political passions — for President, for Governor, for Senator. And the endorsement of a candidate inevitably colors the readers' views of our subsequent editorial opinions. At the same time we recognize the newspaper's obligation, as a responsible member of the community, to stand and be counted on important issues. So we have sought to strike a balance between this obligation and the need for credibility in *The Times*' news content and editorial positions."

The paper also announced that the work of its editorial cartoonist, Paul Conrad, will run on the page opposite the editorial, where a variety of political viewpoints are represented. "We believe that by displaying Conrad's cartoon on the opposite page, where many points of view not our own are given free play, we shall lessen the risk of confusing the voice of *The Times* with the pen of Conrad."

Administration raps community college board in audit report

The state Department of Finance criticized the Chancellor's Office of the California Community Colleges and the system's Board of Governors for failing to provide statewide leadership to the 69 community college districts. "The role of the Board of Governors involves a delicate balance between state leadership and local control," the audit report concedes, while adding: "The board's emphasis has been almost entirely in the direction of protection of local control." Chancellor Sidney W. Brossman acknowledged the report by saying he is "trying to take a positive attitude" toward it.

Milk prices rise third time in '73 . . a record 10¢ a gallon

Consumers began paying 10 cents a gallon more for milk November 1st, the third increase this year. It brought the total raise in price to 20 cents. "The magnitude of the increase is necessary to assure a continued ample supply of fluid milk for California at a time when milk supplies in other parts of the country are insufficient to meet all needs," said C. B. Christensen, state Director of Food and Agriculture.

Reagan approves policy to conserve energy resources

"To achieve maximum efficient utilization and conservation" of the state's energy resources, Governor Reagan adopted a sweeping state policy that would, among other things, permit resumption of offshore oil drilling. It would also reduce freeway top speeds, and it specifies 20 other energy-conserving steps. To supervise implementation of this policy, Reagan appointed Lieutenant Governor Ed Reinecke to head an Energy Planning Council.

Though the new policy was announced October 11th, the state began applying energy-saving measures late last month — by opting for smaller, more economical automobiles, heating state buildings to a maximum of 72 degrees and cooling them to 78 degrees, and cutting back the intensity of lighting by as much as one-third in such nonwork areas as halls. "We are estimating savings in six figures," said Lawrence R. Robinson Jr., Director of the state Department of General Services, "but it's too early to pin that down." The state pays almost $2 million a year for lights and gasoline.

U.S. agrees to help rid San Francisco of Embarcadero freeway

The Federal Highway Administration agreed last month to join San Francisco in a study of the feasibility of ridding the city of the freeway it helped it build in 15 years ago. Because of the "freeway revolt" the Embarcadero Freeway today ends in a stub instead of connecting the Bay and Golden Gate Bridges [see "Californians say no to growth,'" *CJ*, July 1973, p. 224]. Mayor Joseph Alioto, in disclosing the agreement, said the possibility of replacing the freeway spur with a three-mile depressed highway would be studied.

BART's fiscal crisis worse than advertised, claims Analyst Post

The Bay Area Rapid Transit District, and especially its general maanger, B. R. Stokes, came under another sharp attack from Legislative Analyst A. Alan Post at a hearing before the Senate Public Utilities and Corporation Committee October 24th. Post said that Stokes's bleak report on BART's financial outlook for this year is not pessimistic enough and that the district should end the year with a $30.5 million deficit. Like the banker approached by a troubled corporation, Post suggested, the Legislature might tell BART directors: "Get rid of this general manager and get someone who can deliver."

Post stopped short of calling for the outright firing of Stokes, who was home with the flu and unable to defend himself. The main problem, according to the analyst, is that BART has been unable to solve safety and engineering problems preventing the initiation of service between Oakland and San Francisco — the central link in the 75-mile rail network. Stokes, Post emphasized, is an able public relations executive, but the district's current problems don't fall within his area of expertise.

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'Courtroom of the Future'

A courtroom is on trial at the University of the Pacific's McGeorge School of Law in Sacramento — a futuristic courtroom designed to cure some of the ills and inconveniences that have crept into America's system of justice.

The school's new $460,000 Center for Legal Advocacy dedicated this month has already attracted national attention because it contains the only experimental courtroom now designed into a program for training trial lawyers and testing innovations in telecommunications and security equipment. "What we are doing here is legal surgery on the courtroom," explains Gordon Schaber, dean of the law school. Schaber was a superior court judge in Sacramento for four years, and he says that "one of the reasons for the backlog of court cases in the last 15 years is that we were operating with methods and machinery which were out of date. What we have at McGeorge now is a laboratory to experiment with courtroom design and with more efficient ways to present evidence to a jury."

The McGeorge courtroom is an attempt to respond to a variety of shortcomings that have become more apparent in a decade that has produced circus-like trials, attacks on judges, and often complex and lengthy proceedings. According to Schaber, "Even courtrooms built in the 1960s are obsolete and ill-suited for today's cases."

Many courtrooms are poorly lighted. Jurors have difficulty seeing evidence and are easily distracted. The courts seldom have facilities to cope with the attention and tension surrounding trials like those of Angela Davis, Sirhan Sirhan, and Charles Manson. Their security arrangements have been inadequate in more than one disruption, the most tragic of which led to the death of Judge Harold Haley at the Marin County Courthouse. Even where disruption and security are not the concern, the modern trial often is beset by the tedium attendant to the hour-by-hour reading of testimony to a jury wishing to clarify a point.

McGeorge proposes to use its experimental facility to eliminate the tedium as well as the threat of violence. The circular courtroom is the result of nine years of planning, a survey of 35,000 judges and attorneys from throughout the United States, and the inspection by McGeorge officials of more than 100 courtrooms in seven states.

The 7,000-square-foot complex at McGeorge includes:

- A circular arena designed to visually join judge, jury, and all other trial participants. Jurors are separated from spectator distractions by sitting in high-backed chairs with their backs to the audience. The jurors' circular desk encourages note-taking.
- Fourteen television monitors strategically located among the trial participants for viewing close-ups of evidence and other visual presentations photographed by six concealed cameras controlled by a court technician.
- A soundproof booth from which all of the court's elaborate electronic equipment is controlled.
- Video-taping and eight-track recording equipment. One camera focuses on a digital clock to permanently fix the time on all video records as the action occurs during trial. Instant replay of any portion of the trial is available. This feature will be examined as a possible aid to jury-room deliberations.
- An evidence pedestal and two wall-mounted evidence-display units. Cameras provide instant close-ups on the 14 television monitors of any evidence displayed on the units. The evidence pedestal lowers into the floor when not in use. A retractable motion picture screen and a concealed projector are available for filmed evidence.
- Soundproof observation booth for the news media with reporters operating from behind a one-way glass through which they can see without being seen.
- A room in which an unruly defendant can be detained and still maintain complete audio and visual contact with the trial proceedings.
- An audio recording system that provides simultaneous translation for non-English-speaking trial participants.
- A security system designed to screen and lock out anyone attempting to enter the courtroom with concealed weapons. (All courtroom doors can be locked by remote control.)

Actual use of the courtroom began with the opening of classes this autumn at McGeorge. In addition

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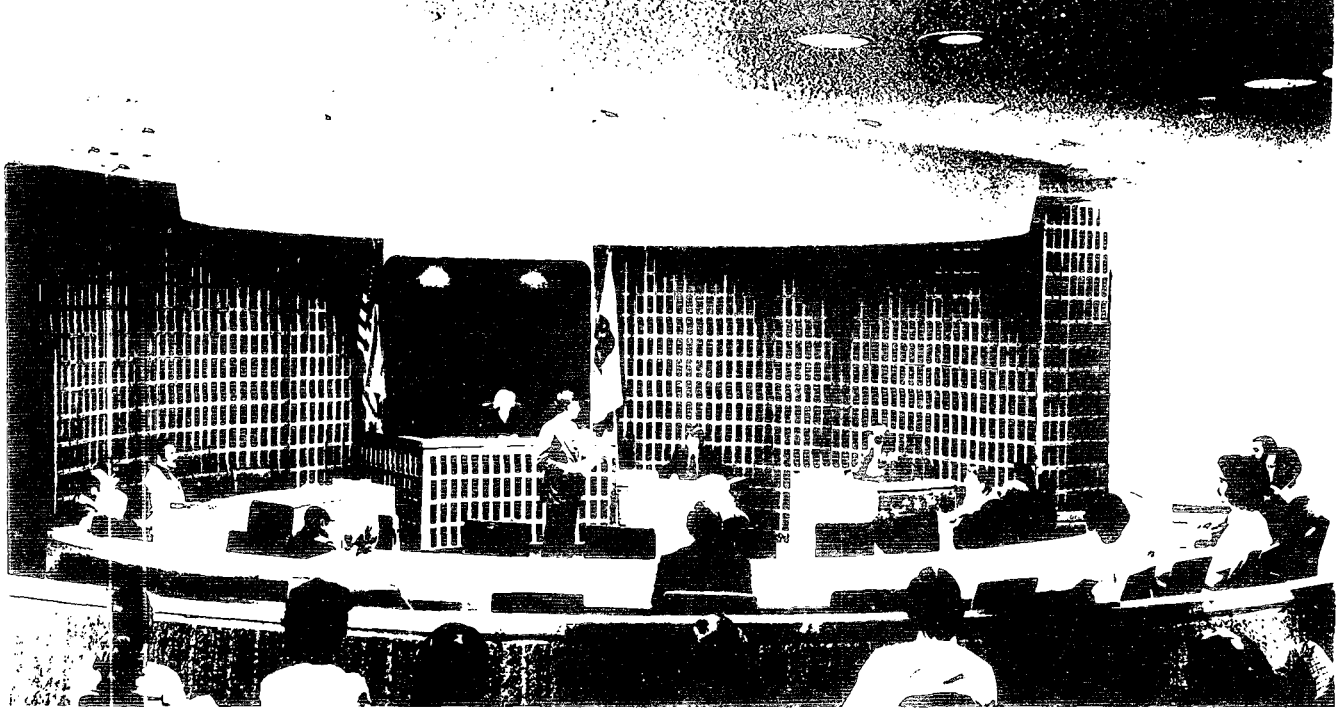

to student use, the courtroom will be used for experiments in every facet of courtroom procedure, including physical design, security, the use of television and the training of police officers to perform their duties in court more effectively. The Center for Legal Advocacy, which is directed by John Dutton, a retired municipal court judge from Santa Clara County, also will begin studies on the jury's decision-making process, juror attitudes, and comprehension of trial proceedings and the use of smaller juries and the impact on trial verdicts.

A 62-member advisory council, representing bench, bar, law enforcement, news media, and public agencies, will help in guiding the center's research projects. The center and its courtroom were financed through a McGeorge fund-raising drive and grants from the California Council on Criminal Justice and the Fleischmann Foundation of Nevada. The largest single gift came from Raymond Burr, television's Perry Mason and Ironside, who contributed $150,000 in art to be auctioned for the school's benefit.

Schaber is quick to point out that, in the experimental courtroom, gimmickry is not intended to replace justice. "Keep in mind," he says, "that every form of security and electronic recording equipment designed into this research-oriented courtroom is intended to serve the objectives of the judicial process, not dominate them. You can't replace fairness and justice with efficiency and economy. But you have to experiment to see if there's a better way to do things. And the person on trial is the one who receives the ultimate benefit."

Schaber might have added that McGeorge will benefit along the way. The courtroom is one of the more glamorous steps taken by the 49-year-old, one-time night law school to expand its program and build a reputation since Schaber became dean in 1957. When he assumed that position, McGeorge had 128 students, no full-time faculty or staff, and assets of $4,000. In 1966, when McGeorge affiliated with the University of the Pacific, the law school had more than 500 students, five full-time faculty members, and assets of $485,000. The school received full American Bar Association accreditation in 1971, and this year has nearly 1,000 students, 20 full-time and 25 part-time faculty members, and assets of $2.6 million.

"From this time forward," Schaber said, "the McGeorge courtroom laboratory will be open to everyone in the law profession and its allied agencies who seek to implement improvements in the judicial process." That change is needed, is clear to Schaber and Dutton, the center's new director. "The practice of law in most courtrooms today," they commented in presenting the facility to the press, "is about as modern as the practice of surgery in a barber shop."

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Roundup of significant court actions

The following are significant court actions since the Journal's *October report:*

Support for planners

The state Supreme Court has ruled that local governments need not compensate a landowner whose property has been designated in a general plan for future public use. In a 6-0 decision written by Justice Stanley Mosk, it ruled that the mere adoption of a general plan does not result in a "taking" of private property for public use.

The case, *Selby Realty Co.* v. *City of Ventura,* reached the court after the City and County of Ventura adopted general plans that designated public streets on undeveloped property owned by Selby Realty Co. The city refused to grant Selby's application for a building permit unless Selby dedicated and improved a street shown on the general plan. Selby contended that the city's action amounted to condemnation of its land, and demanded payment.

The court found, however, that the adoption of a general plan does not indicate a final intention to take the property for public use since the local government agency could change its mind. To require payment for property merely because it is designated for future public use, the court said, would be to restrict city and county planning functions unreasonably. "If a governmental entity and its responsible officials were held subject to a claim for inverse condemnation merely because a parcel of land was designated for potential public use . . . ," Mosk wrote, "the process of community planning would either grind to a halt or deteriorate to publication of vacuous generalizations regarding the future use of land." He added that "the adoption of a general plan is several leagues short of a firm declaration of an intention to condemn property."

The court's decision is expected to have an important impact on the ability of local governments to control growth through general plans.

Residence law upheld

A charter city can require its employes to live within city limits, the court ruled in another 6-0 decision written by Mosk. It upheld the constitutionality of a requirement of the City of Torrance that employees become residents within six months of being hired.

The law was challenged in *Ector* v. *City of Torrance* by city librarian Silas Ector, who was discharged after three years on the job for failing to move into the city. Ector claimed the dismissal violated his rights under the equal-protection clause of the United States Constitution.

The court disagreed. It found the municipal-residence requirement to be reasonable and meet the standards imposed by the equal-protection clause. The court also held that statutory limitations on the ability of municipalities to impose residence requirements for employment apply only to general law and not charter cities.

S.F. State revisited

The court upheld a 1969 law that allows college administrators to ban persons who disrupt campus operations. But the unanimous decision, written by Justice Mathew Tobriner, limits application of the law by distinguishing between lawful, peaceful persuasion and violent, coercive or obstructive actions.

The law was challenged in *Braxton* v. *Municipal Court* by a group of students and others who demonstrated in 1970 on the San Francisco State College campus. A college official banned the group from the campus, and the demonstrators were arrested when they refused to leave. The law, they charged, was unconstitutionally vague and violated due-process provisions of the U.S. Constitution.

The court noted that the law is compatible with the constitutional guarantee of free speech only if such activities as leafletting, speechmaking and peaceful picketing are exempt. It rejected the claim that the law is too vague. It also declared that a banishment order may be given without prior notice and hearing when a campus official decides immediate action is necessary to prevent the threat of injury to a person or property.

Echo of 'People's Park'

Daniel Siegel, a leader in the 1969 uprising over the so-called People's Park in Berkeley and a graduate of Boalt School of Law, must be admitted to the State Bar, the court ruled. The State Bar rejected Siegel's application on the ground that he lied when he testified about the meaning of three speeches he made at the time of the conflict.

In May 1969, Siegel, while president-elect of the UC Berkeley student body, told 4,000 students to "go down there and take the park." Siegel was subsequently charged with incitement to riot, but was acquitted. A year later, Siegel indicated in a speech that violence was a permissible, if ineffective, mode of action. On another occasion he declared, "Let's hear it: All power to the people! Smash R.O.T.C.!" Siegel was again tried and acquitted of charges of incitement to riot.

Siegel passed the bar examination in 1970. He testified before bar examiners that he had never advocated unlawful violence or violent conduct. The committee concluded that Siegel lacked good moral character, not for advocating violence but for lying about having done so.

The court declared in *Seigel* v. *Committee of Bar Examiners* that the examiners had failed to rebut Siegel's showing of good character based on scholastic and community achievements. There is a reasonable basis to believe Siegel's interpretation of the meaning of his speeches, it continued, and stressed that the bar examiners could not be sure that Siegel was lying when he claimed the contrary. Justice Marshall McComb dissented. The opinion was written "by the Court".

— Compiled by Dennis Campbell

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Selected state government reports

CRIMINAL JUSTICE

The Key That Locks the Records Opens the Door: Guide to Sealing Juvenile Records; by Lorenzo Patino and the staff of the Senate Democratic Caucus. Describes the beneficial effect on youth seeking employment to have their juvenile arrests sealed from public scrutiny. Room 106, State Capitol, Sacramento 95814. 46 p. (Free)

Synopsis of the 1973 California Comprehensive Plan for Criminal Justice; prepared by California Council on Criminal Justice, 7171 Bowling Drive, Sacramento 95823. A condensed report on the state's criminal justice problems and the council's efforts to alleviate them.

ENVIRONMENT

Geothermal Energy in California; published by the California Division of Oil and Gas, Resources Agency, 1416 9th St., Sacramento 95814. An illustrated pamphlet showing the state's known geothermal areas and partially explaining their technical operation. Available free as Pamphlet No. PRO1.

Meeting California's Energy Requirements, 1975-2000; by Stanford Research Institute, Menlo Park, 94025. May 1973. 420 p.

The States' Roles in Solid Waste Management: A Task Force Report; by Thomas Anderson and others, published by the Council of State Governments, Iron Works Pike, Lexington, KY 40505, and supported by the U.S. Environmental Protection Agency, Office of Solid Waste Management Programs. 58 p.

Threatened Wildlife in the United States, 1973 Edition; Available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. 289 p. ($3 plus 35¢ postage)

State Planning Issues 1973; published by the Council of State Governments, Iron Works Pike, Lexington, KY 40505. May 1973. Ten articles by experts on land-use planning. 45 p.

California Environmental Yearbook & Directory 1973; published by the Center for California Public Affairs, an affiliate of Claremont College. First of an annual series reviewing environmental events in California this contains a directory of California environmental organizations, a bibliography of basic works, and two indices. Available from the center, 226 W. Foothill Blvd., Claremont 91711. 124 p. ($7.50 plus tax)

The Assembly Science and Technology Advisory Council: Background and Evaluation; prepared by the Assembly Office of Research, with financial assistance from the National Science Foundation. May 1973. An evaluation of the council. Available from the Council, Library and Courts Building (Room 508), Sacramento 95814. 118 p. (Free)

FINANCE

Report on Contracts, Agreements and State Costs for Governor's Tax Reduction Task Force: April 1973; prepared by the Joint Legislative Audit Committee. A review of the contracts for services of task-force members, primarily those drawing on welfare and unemployment compensation disability funds. Room 4126, State Capitol, Sacramento 95814. 70 p. (Free)

Veterans Farm and Home Building Fund of 1943: Report on Review of Operations, March 1973; prepared by the Joint Legislative Audit Committee. A report on the administrative costs of Cal-Vet loans. Room 4126, State Capitol, Sacramento 95814. 19 p. (Free)

HEALTH AND SOCIAL WELFARE

Department of Health Care Services: Review of Medi-Cal Management System: March 1973; prepared by the Joint Legislative Audit Committee. A critical review of Medi-Cal operations alleging administrative errors by the Department of Health Care Services. Room 4126, State Capitol, Sacramento 95814. 42 p. (Free)

Report on Foster Care in California: June 1973; prepared by the Joint Legislative Audit Committee. A preliminary report covering administration and financing of county foster-care programs. Room 4126, State Capitol, Sacramento 95814. 51 p. (Free)

Patterns of Living in California's Migrant Labor Families; by Glenn R. Hawkes, Minna Taylor, and Beverly E. Bastian; Research Monograph No. 12, published by the Department of Applied Behavioral Sciences, University of California, Davis 95616. August 1973. A study based on data gathered from interviews at state-owned migrant labor camps. Available free from the department. 30 p.

MISCELLANEOUS

Trends in Campaign Spending in California, 1958-1970; by John R. Owens. Available from Citizens' Research Foundation, 245 Nassau St., Princeton, N.J. 08540. $1.

Executive Ombudsmen in the United States, and Criticisms of Contemporary American Public Bureaucracy; by Alan J. Wyner, prepared by the Institute of Governmental Studies, University of California, Berkeley 1973. 315 p. ($5.50)

The Rus Walton Report; published by Rusla Walton, P.O. Box 1153. Loomis 95650. A semi-monthly political bulletin "in defense of individual liberty and constitutional government." $12 for six months.

NOTE: Unless otherwise indicated, reports may be obtained by writing the publisher, state agency, or legislative committee at the address given. Prices are listed when available.

CALIFORNIA CALENDAR

Meetings of the following state boards and commissions are listed each month, only if a meeting is scheduled: Board of Corrections; Trustees of the California State University and Colleges; California Community Colleges Board of Governors; California Council on Criminal Justice; Coordinating Council for Higher Education; Board of Education; Highway Commission; Little Hoover Commission; Commission of Housing and Community Development; Park and Recreation Commission; University of California Board of Regents; and Social Welfare Board.

Nov. 7-9	**Senate Committee on Agriculture and Water Resources.** Community Concourse, San Diego, 9:30 a.m. Subject: Agricultural bargaining, egg program, milk stabilization.
Nov. 8-9	**Conference on Problems of Growth,** U.C. Berkeley Student Union. 8 a.m. Subject: Changing role of water and sewer agencies.
	Board of Education. 1416 9th St., Sacramento, 9 a.m.
Nov. 13-16	**Board of Equalization.** 1021 N St., Sacramento. 2 p.m.
Nov. 14	**Assembly Committee on Employment & Public Employees.** 1350 Front St., San Diego. 9:30 a.m. Subject: Civil service reform and collective bargaining.
Nov. 14-16	**Peace Officer Association.** 1973 All-Committee Conference International Hotel, Palm Springs. 9 a.m.
Nov. 15-16	**Highway Commission.** 120 S. Spring St., Los Angeles.
Nov. 16	**UC Regents.** Faculty Club, Riverside Campus.
Nov. 27-28	**California State University Trustees.** Office of the Chancellor, 5670 Wilshire Blvd., Los Angeles.
Nov. 28-29	**Senate Committee on Judiciary.** State Capitol, 9 a.m. Subject: Landlord/tenant law.
Nov. 29-30	**Little Hoover Commission.** Los Angeles, site undetermined.
	Social Welfare Board. Biltmore Hotel, Santa Barbara, 7:30 p.m.
Nov. 29-Dec. 1	**Law Revision Commission,** 6200 W. Century Blvd., Los Angeles, 7 p.m.
Nov. 30	**Council on Criminal Justice.** Sheraton Inn Airport, Los Angeles, 9:30 a.m.
Dec. 4	**Coordinating Council for Higher Education.** Site undetermined.
Dec. 5-6	**California Community Colleges Board of Governors.** Airport Marina Hotel, Los Angeles.

The following boards and commissions follow a regular monthly schedule: Board of Agriculture, first Thursday of each month; Allocation Board, second Tuesday; San Francisco Bay Conservation and Development Commission, first and third Thursdays; Merit Award Board, second Wednesday; Public Works Board, last Monday; Reclamation Board, second and fourth Fridays; Soil Conservation Commission, fourth Tuesday; State Lands Commission, last Thursday; Transportation Board, first Thursday; California Water Commission, first Friday; and Water Resources Control Board, first and third Thursdays.

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PEOPLE IN THE NEWS

A special election was set by Governor Reagan for December 18th in San Bernardino County for selection of a successor to state Senator **William E. Coombs,** a Republican who resigned October 19th to accept a high-level post in the U.S. Treasury Department. The departure of Coombs, a 62-year-old lawyer and certified public accountant, leaves Democrats with a 20-19 advantage in the Legislature's upper house. Even before Coombs' resignation, there was speculation that he would not seek reelection because he would probably have to run in a district with a 58 per cent Democratic majority under the redistricting plan developed by special masters to the state Supreme Court. The GOP does especially well in interim elections, and Assemblyman **Jerry Lewis** of San Bernardino County is viewed as a likely Republican candidate. Other potential contenders are Supervisor **Ruben Ayala,** a Democrat, and **Robert E. Botts,** Coombs' administrative assistant and a Republican. In his new job, Coombs will review and approve rules and regulations in the Enforcement, Tariff, Trade Affairs and Operations Office of the Treasury Department.

For the first time in history, the state Supreme Court has removed a judge from the bench — Los Angeles Municipal Judge **Leland W. Geiler.** The 58-year-old Geiler, appointed to the bench in 1966, was ordered barred from judicial office for "crude behavior, vulgar language, uncouth references to bodily functions, and lustful and profane remarks" made in court offices, hallways and chambers. Geiler will be allowed to practice law.

The new Republican national committeeman from California is **William S. Banowsky,** 38, president of Pepperdine College. He was selected by the state and national GOP central committees to replace **Ed Mills** of Los Angeles, who resigned to devote more time to his post as Republican state finance chairman. Banowsky had been mentioned prominently as a potential GOP candidate for U.S. Senate, but this appointment apparently puts him out of the running.

Four of the 19 presidents in the California State University and Colleges system were denied merit salary increases in an unprecedented move by the system's Board of Trustees. In executive session, the trustees used the pay-hike denial to express their displeasure with presidents **John H. Bunzel,** of San Jose State, **Stanford Cazier** of Chico State, **John A. Greenlee** of Los Angeles State and **Thomas H. McGrath** of Sonoma State. As a result, the presidents of some of the system's smallest campuses will earn more than Bunzel and Greenlee, who head two of its largest. Another president, **Stephen Horn** of Long Beach state, was under attack from the faculty of his own institution. A faculty survey there showed that a substantial number of professors believe Horn runs the campus in an overly authoritarian way.

Writer **Jessica Mitford** was temporarily fired from her one-semester post as a professor of sociology at San Jose State after she refused to be fingerprinted. She kept teaching "The Technique of Muckraking" and "The American Way" after Superior Court Judge **John S. McInerny** offered a compromise: She will give the judge her fingerprints in a sealed envelope while the legality of the print requirements is tested in the courts. The winning party will get the envelope.

Dean E. McHenry, 63, chancellor at the University of California's Santa Cruz campus and one of the planners of the state's master plan for higher education, will retire in June after 34 years on the U.C. faculty. McHenry is known to many Americans as the author of a basic textbook in political science.

Governor Reagan appointed **Harold O. Wilson,** administrative vice president of California Polytechnic State University at San Luis Obispo, as his chief education adviser. The 63-year-old Wilson succeeds Alex Sheriffs, who was appointed vice chancellor for academic affairs of the state university system.

Peter Selz, director of the UC Berkeley Art Museum, resigned because budget cuts left him "nothing to work with". His resignation will take effect January 1st but he will remain on campus as a teacher of art history.

Attorney **Melvin Belli** of San Francisco is appealing to the state Supreme Court for a reversal of an action by the State Bar suspending him from the practice of law for one year. The bar had accused Belli of using advertising techniques to build his prestige. Belli claims the puffery was done by another firm, not his own, to enhance his reputation as a lecturer, not as a lawyer.

A 21-year-old Youth Authority parolee, **Donald Ray Brazile,** was awarded the Carnegie Medal, one of the nation's top awards for heroism, for pulling a four-year-old girl from a blazing car in Los Angeles . . . . **Daniel W. Monzingo,** a San Diego lawyer, was named California rehabilitant of the year. He is a quadriplegic who can move only one finger . . . . **Richard L. Perry** of Hacienda Heights, a 22-year-old paraplegic and college student, was appointed to the state Health Care Commission.

John Matheny, 46, assistant chief counsel for the state Department of Transportation in Sacramento, was elected president of the California State Employees Association for 1974 . . . . **Arthur L. Elliott** retired after spending almost 40 years planning and designing bridges for the state highway system.

Deputy State Controller **Ralph I. McCarthy,** 58, died October 27th following a brief illness. He had served in the Controller's Office since 1946 and had previously worked as both legislative and executive secretary to Governor Earl Warren.

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LETTER FROM WASHINGTON
By Lou Cannon

Milias looks homeward

Old Republican Assemblymen from California never die: They simply fade away into Washington and perform the good works that go unnoticed because of Watergate.

This fading away is perhaps particularly true of that special breed known successively in California history as progressive, liberal, Warren or moderate Republicans. Typically, these Republicans shared a certain progressive perspective common also to the Republicans of Minnesota and Wisconsin. For the most part, they were civilized and intelligent men who adhered to the old bromide about being "liberal on social issues and conservative on fiscal ones." In our time, they had in common that they were premature environmentalists and also that they had twice or more supported Nelson Rockefeller and in 1964 opposed Barry Goldwater. In the curiously cool words of the redhot Goldwater movement, they were "moderates" who believed that "extremism in the pursuit of liberty", or of anything else, was indeed a vice. Those who joined the executive branch of government in Washington included John Busterud, Jack Veneman, Bob Monagan, George Milias. Caspar Weinberger also qualifies on historical grounds, although the route he used to attain his present eminence was more conspicuous than the others'.

* * *

George Wallace Milias, a 48-year-old former hotel owner from Gilroy and a graduate of San Jose State College and Stanford University, typifies the breed. He was a staunch Rockefeller man in 1964, a backer of George Christopher for Governor in 1966. In 1970, he ran for Secretary of State in a wide-open Republican primary, and lost. Since then, Milias has served successively as state Labor Commissioner and as western states director for the federal Environmental Protection Agency. He recommended a friend for director of environmental programs with the Department of Defense, but instead was picked for the job himself. Milias accepted, and was given the title of assistant secretary of defense.

It is a job worth doing. Unknown to most Americans, and largely unreported in Washington, the Defense Department is charging ahead of most civilian government agencies and the private sector in such important environmental programs as recycling, noise control and wildlife management. The reason is not difficult to find, at least where such market-oriented programs as recycling are concerned. The military has the authority, the big markets and the concentrated supply necessary to make recycling practicable. Despite rising military pay costs, the Defense Department also has a relatively inexpensive supply of low-cost labor. Nor does the department have to show a profit on its recycling programs, although the costs have in most cases been less than the costs of conventional disposal.

"We're almost in the position of not being able to lose economically," says Milias. "And we come on with a fairly big stick. If we find lack of cooperation on the part of a private company, we can always suggest that a base do business with somebody else." Using such "suggestions" whenever necessary, the largest military bases in the country are now completely recycling glass, paper and metal products. "The Defense Department has spent $1 billion during the last four years on environmental programs, much of it on sewage treatment hardware," says Milias. "We are far ahead of the private sector."

Milias is also heavily involved in a variety of community relations programs between citizens groups objecting to some military operations and the Defense Department. In California, this includes such projects as an attempt to reduce sonic booms over San Diego and efforts, which Milias claims are making progress, to reduce the number of flights out of Moffett Field on San Francisco Bay.

* * *

From all outward appearances, Milias has been a success in his new job. His major frustration has been an inability to gain the Washington media attention he considers a prerequisite to winning the blessings of armchair admirals for a variety of environmental programs that Milias would like to pursue within the Defense Department. Like many another bureaucrat with a worthwhile portfolio, Milias has been consistently upstaged by Agnew upheavals, Nixon crises and the myriad other traumatic embellishments of this newsworthy administration.

Along with other transplanted Californians, Milias has talked about going back to his home state. Unlike many others, he has been provided his opportunity by a prospective legislative reapportionment that would leave open a winnable Assembly seat in Santa Clara County and also give Milias the chance to challenge incumbent Republican Clark L. Bradley in a state Senate primary. Milias has maintained his voting residence in Santa Clara County, and he would like to go to the state Senate, but he has little stomach for a primary fight even though he and Bradley have never been mutual fans. "It would rip the party apart," Milias says, improving the chance that a Democrat could win. Milias has also thought of running for the Assembly seat, but doesn't like the idea of "starting over" in a house where he has already served for eight years.

Nonetheless, Milias is taking a good look at both opportunities. Like other Republicans who have come here and served with quiet distinction in an administration fallen into utter disarray, Milias keeps an eye on California. The old progressives who have faded away into Washington are beginning to talk about coming home.

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The very essence of a free government consists in considering offices as public trusts, bestowed for the good of the country, and not for the benefit of an individual or a party.

-- John C. Calhoun

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